

1 UNITED STATES DISTRICT COURT
 2 NORTHERN DISTRICT OF ALABAMA
 3 EASTERN DIVISION

3 JOHN R. SWIFT and
 4 BARBARA SWIFT,

5 Plaintiffs,

6 CIVIL ACTION NUMBER

7 versus

8 CV-97-AR-2430-E

9 MONSANTO COMPANY, INC.,

10 et al.,

11 Defendants.

12 /

13 CONTINUATION OF DEPOSITION OF STEVEN BRADLEY

14 The continuation of the deposition of

15 STEVEN BRADLEY was taken before Deborah Salers

16 Garrett, Certified Shorthand Reporter,

17 Registered Professional Reporter, as

18 Commissioner, commencing at 1:05 p.m. on June

19 23, 1999, by the Plaintiffs, at the law

20 offices of Lightfoot, Franklin & White, The

21 Clark Building, 400 North 20th Street,

22 Birmingham, Alabama, pursuant to the

23 stipulations set forth herein.

24 Regional Reporting Service, Inc.
 25 755 Walnut Street
 26 Gadsden, Alabama 35901-0755

1 A P P E A R A N C E S

2 For the Plaintiffs:

3 DONALD W. STEWART, Esq.
4 STEWART & SMITH
5 1131 Leighton Avenue
6 Anniston, Alabama 36201

7 ELLEN B. MALOW, Esq.
8 KASOWITZ, BENSON, TORRES & FRIEDMAN, LLP
9 700 Louisiana Street, Suite 2200
10 Houston, Texas 77002

11 CHARLES CUNNINGHAM, Esq.
12 Morrissey Building, Suite 200
13 304 West Liberty Street
14 Louisville, Kentucky 40202

15 For the Defendants:

16 ADAM PECK, Esq.
17 LIGHTFOOT, FRANKLIN & WHITE, LLC
18 The Clark Building
19 400 North 20th Street
20 Birmingham, Alabama 35203

21 I N D E X

22 Page

23 Stipulations 4

24 Reporter's Certificate 343

25 E X A M I N A T I O N S

26 Witness: STEVEN BRADLEY Page

27 By Mr. Stewart 16

28 REGIONAL REPORTING SERVICE, INC.

1 E X H I B I T S

2	Plaintiffs'	Marked	Offered
3	Three	134	
	Four	134	
4	Five	170	
	Six	177	
5	Seven	217	
	Eight	220	
6	Nine	236	
	Ten	238	
7	Eleven	241	
	Twelve	246	
8	Thirteen	247	
	Fourteen	251	
9	Fifteen	260	
	Sixteen	263	
10	Sixteen-A	283	
	Seventeen	276	
11	Eighteen	278	
	Nineteen	279	
12	Twenty	279	
	Twenty-one	280	
13	Twenty-two	302	
	Twenty-three	304	
14	Twenty-four	306	
	Twenty-five	316	
15	Twenty-six	317	

16 No other exhibits were marked for
 17 identification, offered or attached as
 18 exhibits hereto.

18

19

20

21

22

23

1 S T I P U L A T I O N S

2 IT IS STIPULATED AND AGREED by the
3 parties, through their respective counsel,
4 that the deposition of STEVEN BRADLEY may be
5 taken before Deborah Salers Garrett, CSR, RPR,
6 as Commissioner and Notary Public, Alabama at
7 Large, at Birmingham, Alabama, on June 23,
8 1999, at 1:05 p.m.

9 IT IS STIPULATED AND AGREED that the
10 signature to and reading of the deposition by
11 the witness is waived, the deposition to have
12 the same force and effect as if full
13 compliance were had with all laws and rules of
14 Court relating to the taking of depositions.

15 IT IS STIPULATED AND AGREED that it
16 shall not be necessary for any objections to
17 be made by counsel to any questions except as
18 to form or leading questions and that counsel
19 may make objections and assign grounds at the
20 time of trial or at the time said deposition
21 is offered in evidence or prior thereto.

22 IT IS STIPULATED AND AGREED that notice
23 of filing by the Commissioner is waived.

REGIONAL REPORTING SERVICE, INC.

5

1 STATE OF ALABAMA, BIRMINGHAM, JUNE 23, 1999

2

3 MR. STEWART: Do y'all want to

4 treat this as a continuation

5 of the deposition with the

6 same stipulations that we

7 talked about previously?

8 MR. PECK: Sure.

9 MR. STEWART: Usual stipulations

10 and also the understanding

11 that we can use this in the

12 Abernathy case with y'all's

13 agreement and any other cases

14 that we file against Monsanto

15 in the state court of federal

16 court.

17 There were some things,

18 Adam, that were set out in

19 the order we got as a result

20 of our hearing yesterday that

21 you all were to provide us.

22 As I read the order, there

REGIONAL REPORTING SERVICE, INC.

6

1 concerning the Solutia
2 Alabama Technology Funding
3 program. Y'all were to
4 disclose that to us. We were
5 to be informed of the nature
6 of the program, the
7 communities eligible, factual
8 details.

9 MR. PECK: I read that. I thought
10 it was kind of strange that I
11 was supposed to provide it
12 because he knows a whole lot
13 more about that than I do.
14 That is free game for you to
15 ask him. It is also in the
16 documents you received.
17 There is a lot in there about
18 that. I suggest you just ask
19 him. I mean, I don't know
20 about it.

21 MR. STEWART: So it is my

22 understanding, then, that you
23 are not going to make any

REGIONAL REPORTING SERVICE, INC.

7

1 kind of response in
2 compliance with the order, or
3 are you saying that you are
4 making him available --

5 MR. PECK: Exactly.

6 MR. STEWART: -- to ask that and
7 respond to those questions?

8 MR. PECK: That's the way I took
9 -- maybe I didn't take it
10 right, but that is the way I
11 took the order, that
12 basically I would allow --
13 the information be made
14 available to you, and he is
15 capable of providing that
16 information.

17 MR. STEWART: All right. The next
18 item is the draft document
19 dated March 1st, 1999. The
20 contents of that memo, as I

21 understand the order, are to
22 be produced to the plaintiffs
23 to the extent it has

REGIONAL REPORTING SERVICE, INC.

8

1 otherwise been published or
2 released.

3 MR. PECK: It has not.

4 MR. STEWART: Is it my
5 understanding that your
6 position would be at this
7 point in time, by your
8 statement there, that that
9 has not been released?

10 MR. PECK: Exactly.

11 MR. STEWART: And the other thing
12 I wanted to sort of clear the
13 deck on -- and it doesn't
14 have anything necessarily to
15 do, although it does in a
16 way, with this deposition.
17 We have the deposition of
18 Beth Rusert. Do you know
19 when that is?

20 MS. MALOW: July the 7th or 8th.
21 MR. STEWART: And we have filed a
22 fairly comprehensive request
23 for production of documents

REGIONAL REPORTING SERVICE, INC.

9

1 to Ms. Rusert. I wanted to
2 know -- In conjunction with
3 Cahill's deposition we asked
4 for some documents both -- in
5 the request for production of
6 documents. Our position was
7 we asked for his file, and we
8 did not receive -- I think we
9 received four documents in
10 that. But there have been a
11 substantial number of
12 objections that have been
13 filed by Suzanne Alldredge to
14 that discovery request and
15 producing what Mr. Cahill had
16 in his file.

17 MR. PECK: Well, I don't believe
18 you did ask for his file.

19 That is why you didn't get
20 it. I understand that
21 basically Beth Rusert's
22 request asks for that file.
23 And we will review that

REGIONAL REPORTING SERVICE, INC.

10

1 request and produce documents
2 appropriately. You will get
3 a lot more than four
4 documents.

5 MR. STEWART: Let me just ask you.

6 Is it my understanding today,
7 then, that y'all are going to
8 take a limited view of the
9 documents that we are
10 entitled to receive in
11 connection with Beth Rusert's
12 deposition?

13 MR. PECK: That's exactly what I
14 didn't say, Donald. I said
15 you will get a lot more than
16 four documents. I think you
17 have now clearly asked for --

18 I can't quote the request,
19 but I think you have asked
20 for the public affairs file
21 pertaining to the Anniston
22 plant, and you will get that.
23 I think that is what you have

REGIONAL REPORTING SERVICE, INC.

11

1 done, or maybe you asked for
2 Alabama. Whatever it is you
3 asked for, you will get.
4 There may be -- There
5 may be in that file -- I
6 mean, having said that, I
7 should say this. There may
8 be in that file -- I haven't
9 looked at it. But there may
10 be some -- there may be some
11 issues like we dealt with
12 yesterday, that there be some
13 issues that have to go in a
14 privilege log.

15 MR. STEWART: What I would ask
16 that you do, and I'd like to

17 ask on the record here, is
18 you do that in advance
19 because Ellen is going to
20 participate with me in that
21 deposition and in fact may
22 take that deposition. She
23 will fly in from Houston, and

REGIONAL REPORTING SERVICE, INC.

12

1 I will fly in from here. We
2 don't want to be involved
3 in the same situation we were
4 with Mr. Bradley. I think
5 the appropriate way under the
6 rules -- I may be wrong, but
7 the appropriate way under the
8 rules -- We are fighting
9 limitations as far as time is
10 concerned. But you are to
11 file some kind of motion for
12 protective order prior to
13 that time. If you don't do
14 that, then what we would
15 expect Ms. Rusert to do is

16 give us whatever documents
17 you would be objecting to.
18 MR. PECK: I don't think that is
19 true. I think that you
20 incorrectly stated what the
21 rules require. However, I
22 was going to, you know -- I
23 thought what you were going

REGIONAL REPORTING SERVICE, INC.

13

1 to do is ask if we could
2 produce the documents in
3 advance. That was going to
4 be my effort, to produce --
5 if there is a privilege log,
6 it will be produced.
7 MR. STEWART: That would certainly
8 be fine. Are you agreeing to
9 do that?
10 MR. PECK: Yes.
11 MR. STEWART: Produce the
12 documents in advance and if
13 there are some privilege
14 items --

15 MR. PECK: We will create one.
16 MR. STEWART: Because if that was
17 not going to be the case what
18 we would want to do is take
19 that matter up, since Judge
20 Ott is here today, take that
21 matter up after we got
22 through with Mr. Bradley.
23 MR. PECK: You know, I can agree

REGIONAL REPORTING SERVICE, INC.

14

1 to produce in advance and
2 produce a privilege log if we
3 need one.
4 MR. STEWART: Can you give us some
5 idea -- Today is June the
6 what --
7 MR. PECK: 23rd.
8 MR. STEWART: Can you get them to
9 us, say, by the end of the
10 week?
11 MR. PECK: I cannot. I have other
12 things to do.
13 MR. STEWART: Can you do it by the

14 first of next week?
15 MR. PECK: No, I cannot. I can
16 get them to you by, say, July
17 5, which is two days in
18 advance. And if there is a
19 problem we can take it up. I
20 don't have the documents even
21 in my possession right now.
22 You know --
23 MR. STEWART: Well --

REGIONAL REPORTING SERVICE, INC.

15

1 MR. PECK: I literally dropped
2 everything to deal with the
3 problems we have had with
4 Mr. Bradley. I was here
5 until ten thirty last night
6 working for other clients. I
7 just can't do it. I know you
8 don't think I work on
9 anything else, but I do.
10 MR. STEWART: I didn't say what
11 you work on, and I understand
12 you have other clients.

13 MR. PECK: I will promise to have
14 the documents and a privilege
15 log if necessary in your
16 hands by July 5.

17 MR. STEWART: Why don't we do
18 this: Why don't we alert
19 Judge Ott to the fact that
20 might come up and let him
21 know, because we may have
22 some of the same kind of
23 questions about that. And

REGIONAL REPORTING SERVICE, INC.

16

1 instead of filing all these
2 briefs and everything, just
3 let him take a look at them.

4 MR. PECK: That is fine, if you
5 will would like to.

6 MR. STEWART: All right.

7

8 EXAMINATION

9 BY MR. STEWART:

10 Q. Mr. Bradley, at the time that we broke
11 last time in connection with this

12 deposition of yours, we were -- I was
13 asking you about your work. Ms. Malow
14 was asking about your work history. And
15 there was a portion of that work history
16 we did not get. I want to know for whom
17 you worked from 1990 to 1993.

18 A. I worked from September 1990 to
19 approximately the end of November 1993
20 for Waste Management, Inc., of Alabama.

21 Q. You had previously told her -- and I
22 will have some other questions. In
23 response to Ms. Malow's questions you

REGIONAL REPORTING SERVICE, INC.

17

1 told her you worked as the president of
2 Waste Management --

3 A. Inc., of Alabama.

4 Q. And I'll ask you some more questions
5 about that. But were you in that
6 position then from September to the end
7 of November?

8 A. September of '90 to November of '93.
9 September of 1990 to November of 1993.

10 Q. So you worked for Waste Management

11 during that period of time?

12 A. That's correct.

13 Q. Other than Waste Management, Alabama

14 Power Company, and AmSouth, what

15 entities have you worked for since you

16 graduated from school?

17 A. I worked for -- immediately upon

18 graduation from graduate school --

19 undergraduate I was in the military in

20 between -- I worked for Shell Oil

21 Company.

22 Q. What did you do for Shell?

23 A. I was editor of a publication out of the

REGIONAL REPORTING SERVICE, INC.

18

1 New Orleans office and then was --

2 Q. Was that an internal publication of

3 Shell?

4 A. Yes. It was a magazine called The Shell

5 Record.

6 Q. Did you have any public affairs

7 responsibility with Shell other than

8 putting out that publication?

9 A. I didn't in that first assignment in New

10 Orleans. I was there about a year and a
11 half, '71 through part of '72. I was
12 transferred to the corporate office in
13 Houston, and I had some general public
14 affairs responsibilities there.

15 Q. When you say general public affairs
16 responsibilities, what kind of work did
17 you do?

18 A. Did a lot of writing work, speech
19 writing, helped some with media
20 inquiries, helped produce materials,
21 briefing materials, booklets, that kind
22 of thing.

23 Q. When you say media inquiries, did you

REGIONAL REPORTING SERVICE, INC.

19

1 handle matters that had to do with the
2 environmental issues that Shell might be
3 facing at that period of time?

4 A. I was a very junior employee. I mainly
5 assisted others who were the principal
6 respondents to media inquiries.

7 Q. When you say assist them, what did you
8 do?

9 A. Helped -- When the inquiry would come
10 in, sometimes they would need assistance
11 in gathering the data to respond to it.
12 I would help them do that and help
13 formulate the answers.

14 Q. Media would ask questions about
15 products, about spills, about those
16 kinds of things? Did you handle those
17 kind of things?

18 A. Occasionally there was an environmental
19 issue. I did very little media
20 relations work. Mostly what I did was
21 writing, a lot of speech writing, a lot
22 of writing for various publications,
23 brochures, pamphlets, that kind of

REGIONAL REPORTING SERVICE, INC.

20

1 thing.

2 Q. Have any contact with regulatory
3 agencies during that period of time?

4 A. Not during that time.

5 Q. What did you do next?

6 A. I came to Alabama in 1974 as executive
7 director of the Alabama Press

8 Association.

9 Q. And how long did you work as executive
10 director of the Alabama Press
11 Association?

12 A. Until 1978.

13 Q. Who were some of the people who were on
14 your board or who were -- Did it have a
15 board of directors?

16 A. Uh-huh (indicating yes).

17 Q. Who were some of the people that were on
18 your board?

19 A. Frank Helderman, who was at that time
20 publisher of the Gadsden paper, now in
21 Florence; Shelton Prince, who is
22 deceased, who was at The Daily Mountain
23 Eagle; Jack Venable, who was with the

REGIONAL REPORTING SERVICE, INC.

21

1 then -- owned The Tallassee Tribune.
2 Oh, goodness. Jim Oakley, who was --
3 had the Centreville papers, now sold. I
4 would have to go back and look. But it
5 was a makeup of daily and weekly
6 newspaper editors and publishers.

7 Q. During that time frame did you ever have
8 any contact with Brandy Ayers, who is
9 editor of The Anniston Star, while you
10 served as executive director of Alabama
11 Press Association?

12 A. I had some. Brandy was not on any
13 board.

14 Q. What was the nature of that contact?

15 A. Oh, limited. He was the publisher of
16 one of the member papers. I would see
17 him at events. We were just
18 professional acquaintances.

19 Q. Did you ever visit in his home, or did
20 you ever have opportunity to see him
21 socially there in Anniston?

22 A. We did one time along with a lot of
23 other people. He had a reception. The

REGIONAL REPORTING SERVICE, INC.

22

1 Press Association summer meeting was at
2 Alpine Bay, and they had a reception at
3 their house.

4 Q. Other than that did you have any contact
5 with Brandy that you --

6 A. We would talk occasionally just like

7 anyone else.

8 Q. But he didn't serve on your board,

9 didn't have an official capacity during

10 the time period?

11 A. I don't recall -- I may be wrong, but I

12 don't believe Brandy served on any of

13 the boards during that time.

14 Q. What exactly did you do as executive

15 director of the Press Association, just

16 run that operation basically?

17 A. It was a state trade association for

18 newspapers, and we provided various

19 services to the member papers.

20 Q. Did you ever do any lobbying for the

21 newspaper industry while you served from

22 '74 to '78?

23 A. I did. That was part of my

REGIONAL REPORTING SERVICE, INC.

23

1 responsibilities.

2 Q. As a result of that did you begin work

3 at that point in time in '74 dealing

4 with the legislature and dealing with

5 state government?

6 A. I did.

7 Q. Did you ever work in Washington any

8 while you served in that capacity? Did

9 you ever do any work there?

10 A. Limited. We relied on the National

11 Newspaper Association to do the

12 Washington work. But we had an annual

13 event -- I think it was in March every

14 year -- where we would go to Washington

15 and participate in some social affairs

16 that -- where the local congressional

17 delegation was invited.

18 Q. Tell me what you did next after you left

19 the Alabama Press Association in '78.

20 A. I went to work for Alabama Power Company

21 in 1978.

22 Q. And what was the nature of the job you

23 took with them? What was your job or

REGIONAL REPORTING SERVICE, INC.

24

1 position?

2 A. My first position was assistant vice

3 president of corporate communication.

4 Q. And what were your responsibilities as
5 assistant vice president for corporate
6 communication? Did you do internal type
7 work or external?

8 A. Both. I had responsibilities for
9 internal and external communications for
10 the company.

11 Q. In that capacity did you deal with the
12 press on a regular basis throughout
13 Alabama?

14 A. I did.

15 Q. Did you handle environmental issues with
16 the Alabama Power Company during the
17 time you were in that position?

18 A. Sometimes environmental issues came up.
19 Most of the time my direct dealings with
20 the media had to do with financial rate
21 matters.

22 Q. In connection with what environmental
23 issues you dealt with, did you ever

REGIONAL REPORTING SERVICE, INC.

25

1 lobby in the legislature for
2 environmental type legislation during

3 the time you worked for the power
4 company?
5 A. No. My -- I didn't -- My
6 responsibilities increased in 1985, I'm
7 going to say. I think that's correct.
8 Q. What happened then? Did you get a new
9 position with the company?
10 A. Yeah. I was promoted to vice president
11 of public affairs and assumed
12 responsibilities for governmental and
13 public relations communications.
14 Q. When you say public relations
15 communication and governmental, did you
16 primarily deal with press relations in
17 your first position and then later --
18 A. No. Press was a part of, but I think I
19 had six sections, employee
20 communications, graphics, advertising,
21 media relations, public relations, and
22 community relations. So media was a
23 part of it, but it was one of six

REGIONAL REPORTING SERVICE, INC.

26

1 functions.

2 Q. And you added government relations as
3 part of that litany you just went
4 through there?

5 A. In addition to that.

6 Q. What were your responsibilities in
7 charge of government relations? What
8 exactly did you do in that capacity?

9 A. I was generally responsible for
10 overseeing the company's governmental
11 relations program in Montgomery and
12 Washington.

13 Q. What did that consist of and what did
14 you do on a daily basis in Montgomery
15 and Washington for the power company?

16 A. First Washington was basically handled
17 by the Southern Company Washington
18 office. We acted in coordination with
19 them, but the Southern Company unit was
20 assigned that responsibility for all the
21 companies in Washington. In Montgomery
22 generally we tried to be aware of
23 legislation or possible -- possible

REGIONAL REPORTING SERVICE, INC.

1 legislation or possible regulation that
2 might have an impact on the enterprise
3 and to be sure we knew what was in that
4 legislation and to determine what our
5 position was.

6 Q. Did the power company have a PAC?

7 A. It did.

8 Q. Did you have any participation in the
9 operation of the PAC --

10 A. I did.

11 Q. -- political action committee? What was
12 the nature of that?

13 A. Sometime after 1985, when I assumed that
14 other responsibility, I was elected
15 chairman of the PAC.

16 Q. And you made decisions, the PAC group
17 made decisions as to how the money would
18 be allocated?

19 A. We had a PAC board. I was just a member
20 of that board.

21 Q. As a result of your contacts in
22 Montgomery or your work in Montgomery
23 was your view of who should receive what

REGIONAL REPORTING SERVICE, INC.

1 given some note in the meetings that you
2 had?

3 A. Well, I had a voice, and so did others
4 and so did members of the PAC. It
5 was -- There was a lot of input into the
6 decisions.

7 Q. Was it an executive type PAC or people
8 who were not time card folks or was
9 it --

10 A. No. We solicited rank and file
11 employees, and they would make a
12 decision on whether to contribute to the
13 PAC or not.

14 Q. During the time that you worked in this
15 capacity -- And for how long? You
16 started there in '85. How long did you
17 do that?

18 A. Until I left in 1990.

19 Q. And when you left in 1990, you began the
20 firm that you --

21 A. I went to work for Waste Management.

22 Q. That's right. And worked for them until
23 1993?

REGIONAL REPORTING SERVICE, INC.

1 A. Correct.

2 Q. During the time you worked for the power
3 company did you have any contact with
4 the Alabama Department of Environmental
5 Management or the EPA?

6 A. With Alabama Power?

7 Q. Yes.

8 A. Some very limited. We had an
9 environmental -- There was an
10 environmental department, and that was
11 their primary responsibility.

12 Q. Tell us about what contact you had with
13 them.

14 A. With ADEM?

15 Q. Yes.

16 A. Very limited.

17 Q. Who did you contact when you did do that
18 work?

19 A. I don't recall ever contacting anybody
20 directly with ADEM.

21 Q. Can you -- Sorry. I didn't mean to cut
22 you off.

23 A. Primarily the environmental affairs

REGIONAL REPORTING SERVICE, INC.

1 department had that responsibility.

2 Q. What role did you play if any in any

3 contacts that were made? What did you

4 do in any contacts that were made?

5 A. As I said, there were very few.

6 Q. You did not make any or you did make

7 some?

8 A. I may have made some. If I did it was

9 rare direct contact.

10 Q. Do you remember anything at all about

11 the contact or who you talked to?

12 A. Very little. I don't even recall a

13 specific -- I'm sure I had some

14 contacts. But I don't even recall the

15 names. The company was very

16 departmentalized. It was very specific

17 in responsibilities, and that was the

18 environmental affairs department, and we

19 followed their lead. We were supportive

20 of --

21 Q. What they would do?

22 A. Right.

23 Q. Did you ever have any contact with EPA?

1 A. Even less.

2 Q. Did you ever have any contact with any
3 governmental officials or government
4 officials about problems that might
5 exist, environmental problems that might
6 exist?

7 A. Oh, probably. I do not recall exactly,
8 but there were air issues with
9 generating plants. There were water
10 issues, other issues. I'm sure I did.
11 But again that was not my primary
12 responsibility.

13 Q. What were the circumstances surrounding
14 your limited contact with the Alabama
15 Department of Environmental Management?

16 A. Goodness, I don't even -- I don't
17 recall.

18 Q. What were the circumstances surrounding
19 the limited contact you have just
20 indicated you had with EPA?

21 A. I don't even -- I don't even recall any
22 direct contact with EPA.

23 Q. What air issues were you involved in?

1 A. Well, there are always emissions issues,
2 especially with regard to coal fire
3 generating plants. I mean, we were very
4 aware of those issues.

5 Q. What were they? What were the issues
6 that you are talking about that you
7 addressed? And then I would ask you to
8 tell me who you addressed those -- the
9 company's position to.

10 A. Well, again, that wasn't direct contact
11 that I recall that I initiated on my
12 own. We might have been a part of an
13 effort, but that is all kind of vague,
14 frankly. It would have to do with
15 emissions. And I am not a technical
16 person, so I can't even tell you what
17 the emissions were. I know there was a
18 concern about particulate matter. I
19 know there was a concern about some
20 gaseous emissions. But I don't know
21 what they were.

22 Q. What position do you recall -- did the

23 company take -- those concerns were

REGIONAL REPORTING SERVICE, INC.

33

1 expressed apparently by a regulatory
2 agency. Would that be EPA or ADEM?

3 A. Probably both.

4 Q. What were the regulations if you recall
5 and what was y'all's response?

6 A. Well, generally -- I don't recall
7 specifics at all. But generally it
8 would probably be related to the cost of
9 controlling emissions and the effect
10 that that cost would have on the rates
11 that it had to charge to customers.

12 Q. Is that the period of time when they put
13 up all the big smoke stacks at these
14 facilities?

15 A. The extension of the stacks?

16 Q. Yes.

17 A. It could be. I honestly -- I don't
18 remember.

19 Q. And this may just be an old wives' tale.
20 But there was something that sort of
21 circulated among those of us who might

22 or might not be interested in this issue
23 that what happened during that period of

REGIONAL REPORTING SERVICE, INC.

34

1 time -- in fact it might have been one
2 of the rate hearings that I heard some
3 of this stuff -- that the smoke stacks
4 were raised and then the tests were done
5 below the smoke stacks. You know, the
6 air above that smoke stack was horrible,
7 but the testing device was far, far
8 below the --

9 A. I don't know.

10 Q. Do you think that ever happened? Just
11 sort of out of curiosity I would like to
12 know.

13 MR. PECK: Object to the form of
14 the question.

15 A. I have no way to respond to that. The
16 whole time I was with the power company
17 I was never involved with anything that
18 I thought was improper.

19 Q. Did you have any contact with Monsanto
20 when you worked with the power company?

21 A. Not that I recall, no.
22 Q. Did you ever visit in the Anniston area
23 or make contacts with anybody at that

REGIONAL REPORTING SERVICE, INC.

35

1 Anniston plant over there?
2 A. No.
3 Q. Can you remember those issues that you
4 all were dealing with? You mentioned
5 emissions issues. Any other issues
6 y'all dealt with state government on in
7 the regulatory area or with government
8 officials? I know you talked about
9 rates.
10 A. Regulatory, that would be far and away
11 -- the rate issue would be the primary
12 issue.
13 Q. But any issue that might be categorized
14 as environmental type issues other than
15 what you just mentioned that you were
16 involved in while you were there?
17 A. Well, again, those issues -- the
18 company's position on those issues, the
19 action that was recommended, the initial

20 contact, all of that was through the
21 environmental affairs department.
22 Q. Tell me if you would, if there are any
23 public officials today who are in office

REGIONAL REPORTING SERVICE, INC.

36

1 with whom you have a relationship in
2 your public relations that you made
3 contact first with in this job you had
4 with Alabama Power Company.
5 A. I'm not sure I understand the question.
6 You mean are there some still around?
7 Q. Probably poorly phrased. Are there some
8 people still in office that you had
9 contact with while you were involved as
10 vice president of governmental
11 affairs --
12 A. Yeah. There are still some members of
13 the legislature.
14 Q. Were some of those members of the
15 legislature people you might have
16 supported through the PAC at that time,
17 if you recall?
18 A. Could have been.

19 Q. Who would some of those members of the
20 legislature be?
21 A. Probably not many now.
22 Q. Most of them are lobbying.
23 A. Live to fight again. Let me think just

REGIONAL REPORTING SERVICE, INC.

37

1 a minute. Not many members of the
2 House. Gosh, I can't recall any in the
3 House right now. I'm trying to think in
4 the Senate. Current members, probably
5 Senator Mitchum.
6 Q. Hinton?
7 A. Hinton Mitchum, Senator Biddle, probably
8 Senator Bedford, but I'm not sure about
9 that, probably. I can't remember how
10 long he has been there. I'd have to
11 look at a list of them. But there are
12 probably a few, not many.
13 Q. The Birmingham senator --
14 A. From Birmingham?
15 Q. Yeah. Any senators from Birmingham that
16 are presently there that you --
17 A. No. I think most of -- Let's see.

18 There is Senator McClain, Senator
19 Smitherman, Senator Russell, Senator
20 Wagner -- I think Senator Wagner.
21 Q. Jabbo is who I was thinking of.
22 A. He was in the House at that time.
23 Q. Is he still in the state Senate?

REGIONAL REPORTING SERVICE, INC.

38

1 A. Yes, he is in the Senate.
2 Q. Do you still have contact with Jabbo?
3 A. I do from time to time.
4 Q. Let me ask you. When you went to work
5 with Waste Management, there were
6 questions asked the other day in that
7 capacity. What exactly -- And I wanted
8 to sort of get that particular entity
9 nailed down that you were president of.
10 It is my understanding -- and if I'm
11 wrong, please correct me -- that the
12 Waste Management corporation -- And I
13 want to get the name of it. Is it Waste
14 Management, Inc.?
15 A. Waste Management, Inc., was the
16 corporate entity with the national -- or

17 international corporate Waste
18 Management, Inc.
19 Q. But you were president of --
20 A. Waste Management, Inc., of Alabama.
21 Q. Now, it is my understanding that Waste
22 Management, Inc., of Alabama, based on
23 what you told Ms. Malow the other day,

REGIONAL REPORTING SERVICE, INC.

39

1 is a public affairs corporation or did
2 public affairs work for a number of
3 waste management companies that were
4 located in Alabama.
5 A. That's correct.
6 Q. Tell me if you would -- and you
7 mentioned some of those companies. Some
8 of them handled solid waste. Some were
9 recycling entities. Did any of them
10 operate any kind of regulated landfills
11 that would accept waste from other
12 facilities?
13 A. Yes, probably so.
14 Q. Where were those located?
15 A. Well, one of the Chemical Waste --

16 Chemical Waste operated or owned the
17 Emelle hazardous waste facility.
18 Q. That is part of this larger entity that
19 y'all did public affairs work for?
20 A. Well, we -- There was the corporate
21 parent, Waste Management, Inc., which
22 was headquartered in Oakbrook, Illinois.
23 There were a number of different

REGIONAL REPORTING SERVICE, INC.

40

1 companies in Alabama. It was a large
2 presence. One was Chemical Waste, which
3 operated the Emelle facility --
4 Q. Is that known as Chem Waste?
5 A. Yes. There was a recycling operation in
6 Birmingham that was operated as Recycle
7 America. Rust Engineering was acquired
8 during that time by Waste Management.
9 We worked with them on various issues.
10 Waste Management of Alabama, Inc.,
11 operated hauling and waste disposal. I
12 don't believe they operated or owned any
13 solid waste landfills. I believe they
14 contracted with others, but that is a

15 little vague.

16 Q. When you say hauling and waste disposal,

17 was that industrial waste?

18 A. No. That was residential.

19 Q. Not industrial waste?

20 A. No.

21 Q. Anything else that was operated in

22 Alabama?

23 A. There was a facility in Demopolis that

REGIONAL REPORTING SERVICE, INC.

41

1 manufactured what is called roll-off

2 waste containers, which are big steel

3 containers, and they manufactured them

4 in the Demopolis facility. That was

5 really a subsidiary of the Chemical

6 Waste, I believe.

7 Q. Chem Waste or Emelle was owned at one

8 time by who? Who owned that before it

9 was sold?

10 A. I don't know that.

11 Q. You don't know the principals in that?

12 A. No, I don't.

13 Q. Tell me if you would what issues you

14 were involved in that had to do with the
15 environment in your public affairs role
16 with Waste Management, Inc.

17 A. That had to do with the environment?

18 Q. Yes, environmental issues that came up
19 during your tenure with them from '90 to
20 '93.

21 A. Well, I guess the primary environmental
22 issues were involved with waste
23 disposal.

REGIONAL REPORTING SERVICE, INC.

42

1 Q. And what were those issues that came up
2 that had to do with waste disposal?

3 A. Principally the operation or the fact
4 that when you pick it up you have to put
5 it somewhere. And that generally means
6 a landfill, and there are environmental
7 issues surrounding landfills. They have
8 to be properly constructed and permitted
9 and so forth. And there are always
10 concerns about the effect of the
11 environment from those landfills.

12 Q. Have to be properly constructed. And

13 would it also be true that they have to
14 be properly maintained and properly
15 operated?
16 A. Absolutely, right.
17 Q. What issues did you wind up dealing with
18 while you were there that had to do with
19 the operation -- and I assume it would
20 be of Emelle or maybe this recycling.
21 A. We didn't have anything to do with the
22 operational end of it at all. Our job
23 is to provide, as I said before, public

REGIONAL REPORTING SERVICE, INC.

43

1 affairs support services for those
2 companies. That involved helping them
3 with media relations, community
4 relations, legislative relations, that
5 kind of thing. We had nothing to do
6 with any operational matters.
7 Q. I wasn't asking about operations. You
8 indicated there were some environmental
9 issues that you dealt with. I wanted to
10 know what those were and what were the
11 circumstances that you got involved and

12 how you got involved and what you did.
13 A. The only environmental -- or the major
14 environmental issues, I guess, would be
15 that generally people don't want
16 landfills sited wherever landfills need
17 to be sited. So -- And there was --
18 There were environmental concerns
19 surrounding the Emelle facility because
20 that facility was permitted to accept
21 hazardous waste, and there were concerns
22 about environmental effects there. And
23 our responsibility was generally to

REGIONAL REPORTING SERVICE, INC.

44

1 assess those issues and develop response
2 to them.
3 Q. Well, to whom -- Well, first let's go to
4 Emelle. Where exactly is that facility
5 located?
6 A. It is located in Emelle, Alabama, which
7 is in west Alabama. Gosh, I forget the
8 county, but it is roughly near
9 Livingston, Alabama.
10 Q. Was there not some environmental racism

11 concerns expressed about Emelle at some
12 point in time?
13 A. I think there have been from time to
14 time.
15 Q. Did that occur at any point in time
16 between '90 and '93 while you were
17 there?
18 A. It probably did.
19 Q. How did you deal with that?
20 A. Well --
21 Q. What was your involvement with it and
22 how did you deal with it?
23 A. I didn't have much involvement with it.

REGIONAL REPORTING SERVICE, INC.

45

1 There were very little of that when I
2 was there.
3 Q. How did it come up if at all when you
4 were there, Mr. Bradley?
5 A. I just was aware there were several
6 community groups around the Emelle
7 facility. And you know, this is all
8 very vague. I can't tell you specifics.
9 I just know that -- I think I recall

10 some of those groups making those
11 allegations, but that just -- That was a
12 small part of what -- if I dealt with it
13 -- what I dealt with.

14 Q. What was the company's response to that?

15 A. Well, the company's response was that
16 the facility was sited there because of
17 the unique chalk geologic formation
18 beneath the facility and that that made
19 it an ideal place to take hazardous
20 waste, because it was secure with some
21 eight or nine hundred feet, I think, of
22 that virtually impermeable chalk, and
23 that is why the facility was located

REGIONAL REPORTING SERVICE, INC.

46

1 there.

2 Q. Did you have any connection with that
3 with the media? Did you prepare press
4 releases or anything like that or have
5 people do that in connection with that
6 issue?

7 A. I don't ever recall very much media
8 activity surrounding that.

9 Q. Did you meet with any ADEM people or EPA
10 people in connection with that issue?
11 A. Possibly, but I just don't recall.
12 Q. Did you ever deal with any
13 legislative --
14 A. Let me say the people who were at the
15 facility were the main contact both with
16 the community and with the regulatory
17 agencies. So we were again in a support
18 role.
19 Q. So you are saying you did not have any
20 direct contact with anybody at ADEM or
21 anybody at EPA?
22 A. I may have. I can almost say I didn't
23 at EPA, but that was not our primary

REGIONAL REPORTING SERVICE, INC.

47

1 responsibility.
2 Q. I would just ask you if you recall
3 having any contact with anybody at ADEM.
4 A. I could have. I don't remember.
5 Q. Let me ask you. And this is -- I will
6 get right back to this. Have you met
7 with anybody from this firm since we

8 left the deposition the other day to go

9 seek Judge Ott's --

10 MR. PECK: This firm being

11 Lightfoot Franklin?

12 MR. STEWART: Yes.

13 A. After the deposition, we met earlier

14 this morning.

15 Q. Okay. When you say we, who are you

16 referring to?

17 A. My counsel, Mr. Peck.

18 Q. Mr. Peck?

19 A. Mr. Peck.

20 Q. For what period of time did you meet?

21 A. Briefly approximately eleven thirty this

22 morning.

23 Q. You met at eleven thirty, and you met

REGIONAL REPORTING SERVICE, INC.

48

1 from eleven thirty until now or until

2 the deposition started at one?

3 A. Well, we had lunch during that time

4 period.

5 Q. Were discussions -- And I don't want to

6 know what was said, but were y'all

7 discussing your preparation for your
8 deposition here today?

9 MR. PECK: Well --

10 MR. STEWART: Mr. Peck, I'm just
11 asking if he had discussion.

12 MR. PECK: Without disclosing the
13 content, I think you can
14 answer that question.

15 A. Yes, we discussed --

16 MR. PECK: I'm instructing you not
17 to disclose the contents of
18 our communication.

19 Q. I would not want you to do that. I just
20 want to know if you discussed your
21 testimony here today.

22 A. Yes.

23 Q. Did you review documents?

REGIONAL REPORTING SERVICE, INC.

49

1 A. A few.

2 Q. Were any of those documents documents
3 that you have already disclosed to us?

4 A. Yes.

5 Q. What were they?

6 A. One of them was a fact sheet which went
7 with a news release of the Education
8 Connection program.

9 Q. When you say fact sheet, are you talking
10 about a sheet that explained the program
11 itself?

12 A. Uh-huh (indicating yes).

13 MR. PECK: Is that yes? You have
14 to answer yes.

15 THE WITNESS: Yes. I'm sorry.

16 Q. And what else?

17 A. I looked at the court's order, Judge
18 Ott's order.

19 Q. All right.

20 A. There weren't many.

21 Q. Well, I'm not going to hold you to '90
22 and '93, Steve, but I will hold you to
23 tell me what documents you looked at

REGIONAL REPORTING SERVICE, INC.

50

1 from eleven thirty to one o'clock today.

2 A. We didn't look at many. We looked at
3 those two. We looked at -- Gosh, I'm
4 just trying to remember.

5 Q. You are younger than I am. I know you
6 can remember that.

7 A. We looked at --

8 MR. PECK: If you recall, you can
9 tell him.

10 MR. STEWART: If you need to look
11 at something to refresh your
12 recollection and look at the
13 binder over there, that is
14 permissible. I know Mr. Peck
15 will be more than glad to
16 hand them to you.

17 MR. PECK: If you can, try not to
18 mess them up.

19 A. We looked at a couple of the news
20 releases.

21 Q. What were they?

22 A. These three news releases dated April
23 26th --

REGIONAL REPORTING SERVICE, INC.

51

1 MR. PECK: Can you use your
2 documents instead of mine?

3 MR. STEWART: I don't have them in

4 the same order you do. I
5 will be glad to replace them,
6 get copies of them.

7 MR. PECK: They are in your file.

8 A. Mainly I was just trying to recall the
9 date. We looked at those.

10 Q. These are the news releases that went
11 out in Foley and Anniston and Decatur
12 about the Solutia education program?

13 A. Yes. Can I pull this out?

14 Q. Yes, you can.

15 THE WITNESS: I'm saving your
16 place.

17 A. We looked at this document.

18 Q. How would you call that document?

19 A. I would call that a fact sheet.

20 Q. So sort of gives the basic facts of what
21 the Solutia Education Connection program
22 is?

23 A. Right. It went with the news release,

REGIONAL REPORTING SERVICE, INC.

52

1 and then we looked at one document that
2 is protected.

3 MR. PECK: Well, don't tell him
4 about that.

5 THE WITNESS: Sorry, I was
6 remembering.

7 MR. PECK: I mean, you can tell
8 him you looked at it. But
9 don't tell him about the
10 document.

11 Q. Can you tell us on the privilege log
12 which one is it you had reference to
13 that you looked at?

14 MR. PECK: If you recall.

15 A. I looked at all of them, but --

16 Q. Can you tell us which one it was?

17 MR. PECK: Here is the order.

18 A. I didn't look at the privilege log.

19 MR. PECK: Can I put these back?

20 MR. STEWART: Yes.

21 A. I did not look at the privilege log. I
22 did look at this (indicating).

23 Q. But you indicated you looked at a

REGIONAL REPORTING SERVICE, INC.

1 document that was referred to on the

2 privilege log.

3 A. No. It was not the privilege log. It

4 was Judge Ott's order.

5 Q. Right. But I believe your testimony --

6 and of course you correct me if I'm

7 wrong, but that you looked at one of the

8 documents that was --

9 A. Yes.

10 Q. -- on the privilege log. All I would

11 ask you to do -- Certainly wouldn't want

12 to look at the document, but this is

13 Plaintiffs' Exhibit Two to your other

14 deposition. I just ask you to point out

15 which one of the documents you would

16 have reference to that you looked at.

17 MR. PECK: You can tell him that,

18 if you know which one you

19 looked at.

20 Q. Do you want to look at the privilege

21 log?

22 MR. PECK: He didn't see that. He

23 was looking at the order. If

REGIONAL REPORTING SERVICE, INC.

1 anything will help him
2 remember, it will be that.
3 Q. Well, you were good enough the other day
4 to refresh his recollection. Why don't
5 you refresh his recollection while I go
6 get a cup of coffee?
7 MR. PECK: I don't know.
8 A. I looked at what is listed as item five,
9 and I looked at the front of each of the
10 documents listed as item five in Judge
11 Ott's order.
12 Q. And was item five those two lists of
13 witnesses?
14 A. Yes.
15 Q. I don't want to know what was said, but
16 did y'all have discussions about those
17 lists?
18 MR. PECK: You can't tell him what
19 was said.
20 MR. STEWART: I didn't ask him
21 that.
22 Q. Did you have discussion with Mr. Peck
23 about it?

REGIONAL REPORTING SERVICE, INC.

1 A. Briefly.

2 Q. All right. Anything else you looked at?

3 A. No.

4 Q. While we are on those items that you

5 just mentioned that y'all -- Well,

6 before I leave that -- Strike that.

7 Did you talk to anybody else other

8 than Mr. Peck between the time your

9 first deposition was stopped and we came

10 here today?

11 A. Anybody in the firm?

12 Q. Anybody in the firm or anybody in

13 connection with Monsanto or anybody in

14 preparation.

15 MR. PECK: He talked to a lot of

16 people. In connection with

17 what?

18 Q. Let me just ask who you talked to --

19 Either Monsanto employees, Solutia

20 employees, Adam Peck, Mike Kelly?

21 A. I talked to one other individual

22 yesterday, Kevin Cahill, who is going on

23 vacation the rest of this week and next

REGIONAL REPORTING SERVICE, INC.

1 week.

2 Q. What did you talk to Mr. Cahill about?

3 A. The fact he was going on vacation.

4 Q. Any other conversation had by you and

5 Mr. Cahill about your deposition or

6 matters --

7 A. Mentioned the deposition, that we didn't

8 get all the way through it, that we were

9 scheduled to resume tomorrow.

10 Q. Any other conversation you had with him

11 about that?

12 A. No.

13 Q. Did you review any documents other than

14 those that you reviewed with Mr. Peck?

15 A. No.

16 Q. Did you have any telephone conversations

17 with Mr. Peck before you came up here

18 today to meet with him?

19 A. Other than I was going to be late.

20 Q. But did you have any conversation --

21 A. I did call late Monday.

22 MR. PECK: Again, he is not

23 entitled to the contents of

REGIONAL REPORTING SERVICE, INC.

1 any discussions.

2 A. Yes, we had discussions.

3 Q. But you did have a telephone

4 conversation with him in addition and

5 discussions about --

6 A. No, I didn't have a telephone

7 conversation with him. I called and

8 left a message.

9 Q. Okay. And that was when?

10 A. That was Monday.

11 THE WITNESS: Is that all right?

12 MR. PECK: Whatever you remember.

13 I'm not really here to

14 refresh your recollection,

15 but you tell him what you

16 remember.

17 A. And earlier this morning.

18 Q. In connection with that document that

19 you looked at, those two documents that

20 you looked at that were listed in our

21 Exhibit Two, Plaintiffs' Exhibit Two to

22 your first deposition and referred to in

23 paragraph five, there were two witness

1 lists. One is dated March 1999 and the
2 other is dated April 1999. Who sent
3 those to you?

4 A. I do not know. They just appeared in
5 the mail.

6 Q. Just appeared in the mail?

7 A. Uh-huh (indicating yes).

8 Q. Nothing with it?

9 A. One of them I think had a distribution
10 list.

11 Q. Did it come from Mr. Cahill?

12 A. I don't know.

13 Q. Did it have an envelope that just had no
14 outside designation on it?

15 A. It probably had an envelope with my name
16 on it, but my secretary threw it away,
17 I'm sure.

18 Q. It contained names, addresses, and
19 telephone numbers, the March 1999 list
20 did. When did you get that? When did
21 you receive that?

22 A. I guess roughly the end of March, first
23 of April, probably. I don't remember.

REGIONAL REPORTING SERVICE, INC.

59

1 Q. You received a list dated April of 1999.

2 When did you receive --

3 A. Probably April.

4 Q. Who sent that to you?

5 A. I do not know.

6 Q. You don't remember when you got it -- I

7 mean you don't remember who sent it to

8 you. Again, it was opened by your

9 secretary?

10 A. Just like most items that I get, she

11 opens, throws the envelopes away, and

12 puts the contents in my in basket.

13 Q. After you received the list, did you

14 contact any of the people on the list?

15 A. No.

16 Q. Have you had any contact with any of the

17 people on that list -- either list since

18 March of 1999?

19 A. Yes.

20 Q. Who?

21 A. Kevin Cahill primarily.

22 Q. Anybody else? You say primarily. That

23 leads me to think there might have been

REGIONAL REPORTING SERVICE, INC.

60

1 other people.

2 A. I don't really know who is on the list.

3 I frankly didn't pay any attention to

4 it. I just put it in a stack.

5 MR. PECK: If you did know who is

6 on the list, I would have to

7 object. But if you don't

8 know, you can't tell. He is

9 not entitled to know the

10 contents of the list.

11 MR. STEWART: I am entitled to

12 know if he contacted any of

13 the people on the list.

14 MR. PECK: I don't think you are.

15 Q. You indicated you contacted Mr. Cahill.

16 What was discussed during the time you

17 contacted Mr. Cahill between March of

18 1999 and the present day? And I'm

19 talking particularly now with reference

20 to the list. Did y'all discuss the

21 list?

22 A. No.

23 Q. Have you ever shown that list to anyone

REGIONAL REPORTING SERVICE, INC.

61

1 other than providing it to us in this

2 deposition today?

3 A. No.

4 MS. MALOW: He didn't provide it.

5 MR. PECK: You mean on the

6 privilege log?

7 MR. STEWART: Yes.

8 Q. Let me ask you this: Who has access to

9 your file there in your office?

10 A. Myself and my secretary.

11 Q. What is her name?

12 A. Kay Syx, S-y-x.

13 Q. Would she have seen this list? I assume

14 she would have.

15 A. Sure.

16 Q. Who else works with you in that office?

17 A. Nobody on that side.

18 Q. Nobody on that side?

19 A. Yes.

20 Q. Who else works at your office besides

21 Ms. Syx?
22 A. There is another individual, Lynn
23 Sampson who occasionally works with me.

REGIONAL REPORTING SERVICE, INC.

62

1 Q. I have seen Lynn Sampson's name on
2 documents that have been submitted,
3 newspaper clippings, things that have
4 been sent out from your office. And you
5 are not saying that Ms. Sampson is a
6 person who does not have access to your
7 file and would not have gone through it
8 from time to time, are you?
9 A. She wouldn't have gone through my file
10 without asking me.
11 Q. Do you recall her asking you since March
12 of 1999 about going through the file?
13 A. No, I don't believe she has.
14 Q. What is her role or responsibility in
15 connection with this case? What is her
16 role or responsibility?
17 A. She occasionally will assist me in
18 research or document writing, documents,
19 just basic things.

20 Q. Tell me if you would, back to Waste
21 Management, what other issues y'all
22 might have been involved in in addition
23 to this environmental racism issue you

REGIONAL REPORTING SERVICE, INC.

63

1 got peripherally involved in down there
2 on that one?

3 A. Well, it would be -- Goodness, there
4 were a number of media inquiries
5 about --

6 Q. About what?

7 A. Concerning waste issues, because that's
8 the business they were in.

9 Q. When you say waste issues, were there
10 specific inquiries about waste issues?

11 A. Oh, probably at that time recycling was
12 an issue of interest in the media. We
13 had recycling inquiries. A lot of that
14 was probably related to tax issues on
15 waste.

16 Q. Anything else that you recall?

17 A. The -- Well, gosh, probably -- I'm just
18 trying to think now. This is a whole

19 other time frame. I think I have
20 already said there were some
21 environmental related questions about
22 landfills and the safety, environmental
23 security of landfills, probably for a

REGIONAL REPORTING SERVICE, INC.

64

1 period of time quite a number of
2 inquiries concerning hazardous waste and
3 the transport of hazardous waste across
4 state lines to be treated at the Emelle
5 facility. A lot of that had to do with
6 legislative and political issues in
7 Montgomery, and probably a lot of that
8 had to do with tax related issues.
9 Quite a large tax had been placed per
10 ton on hazardous waste.

11 Q. Anything else?

12 A. There probably were, but those would be
13 the major ones.

14 Q. Tell me if you would if you had contacts
15 with people at EPA or at ADEM during
16 that period of time on any of those
17 issues.

18 A. Well, again, very little. Waste
19 Management had a largely adversarial
20 relationship with ADEM, and I had very
21 little contact with them.
22 Q. What contact did you have if any and who
23 was that individual?

REGIONAL REPORTING SERVICE, INC.

65

1 A. With ADEM?
2 Q. Right.
3 A. That was primarily done through Waste
4 Management's attorneys.
5 Q. Through the attorneys?
6 A. Uh-huh (indicating yes).
7 Q. Are you telling me, then, Mr. Bradley,
8 that you did not have any connection
9 with them?
10 A. I'm not saying I didn't have any
11 connection at all, but that was not our
12 primary responsibility. Regulatory
13 matters before ADEM was just not our
14 primary responsibility. If there was a
15 regulatory issue and the company was
16 involved in it, we were there in a

17 supportive role, but the environmental,
18 much like the power company
19 environmental people, attorneys and
20 others were the primary source of
21 contact.

22 Q. If you had a contact at that point in
23 time with ADEM, who was it?

REGIONAL REPORTING SERVICE, INC.

66

1 A. I really didn't have one.

2 Q. What about EPA?

3 A. Definitely not EPA.

4 Q. What lobbying work did you do in
5 Montgomery in connection with the work
6 you did?

7 A. Our primary lobbying effort was trying
8 to get the -- I think it was a hundred
9 and thirteen or hundred and eighteen --
10 I forget now -- dollar per ton tax
11 reduced.

12 Q. Who did you deal with on that?

13 A. Members of the legislature.

14 Q. Being fairly familiar with the
15 legislative process, who were some of

16 your buddies on the House side or Senate
17 side that helped you in that fight that
18 took the plate for Waste Management?
19 A. Who were supportive of reducing an
20 onerous tax on hazardous waste?
21 Q. Yes, yes. I know you couch it in those
22 terms. Who had the courage to step up
23 to the plate and take on that animal for

REGIONAL REPORTING SERVICE, INC.

67

1 you in that period of time?
2 A. Al Knight who was in the House at that
3 time was very --
4 Q. Supportive of you?
5 A. -- supportive of that in floor fights.
6 In fact I think Al was primarily the
7 floor leader.
8 Q. Where is Al from?
9 A. Shelby County.
10 Q. From where?
11 A. Shelby County.
12 Q. Anybody else?
13 A. I'm sure -- Al is the only one who comes
14 to mind. The legislative manager for

15 our operation was an employee of mine
16 who handled that directly, so I wasn't
17 that involved on a -- I was there. But
18 that was his primary responsibility.
19 Q. Did you do any personal lobbying on the
20 Senate side?
21 A. I did.
22 Q. Who did you talk to over there?
23 A. In the Senate at the time would be --

REGIONAL REPORTING SERVICE, INC.

68

1 Well, Senator Wagner was there. Senator
2 Biddle was there.
3 Q. Did Jabbo Wagner help you with the bill
4 to remove this onerous tax?
5 A. I would have to go back and look at the
6 vote, but I guess he would be
7 supportive. Senator deGraffenried was
8 there.
9 Q. Ryan?
10 A. We had contact with the lieutenant
11 governor who was a presiding officer of
12 the Senate.
13 Q. Was that --

14 A. Folsom.

15 Q. Okay.

16 A. I'd have to look at a list of who was in

17 the Senate. We had contacts with most

18 members of the House and Senate as we

19 normally do.

20 Q. Did you yourself lobby individually?

21 A. I did.

22 Q. Did you have any opposition from ADEM to

23 removing this onerous tax?

REGIONAL REPORTING SERVICE, INC.

69

1 A. Yes. They were very much opposed to it.

2 Q. Who did you work in opposition to at

3 ADEM? Who do you remember?

4 A. Lee Pagues. He was the director of ADEM

5 and he was opposed to removing or

6 lowering the tax.

7 Q. Were y'all successful in lowering the

8 tax?

9 A. We were.

10 Q. Did Waste Management have a PAC?

11 A. It did.

12 Q. Did y'all contribute to any of the

13 people who were in the legislature who
14 assisted you in getting this bill
15 through the legislature?

16 A. I don't recall.

17 Q. Did you contribute in particular to
18 Mr. Knight's campaign, the gentleman
19 from --

20 A. I just don't recall.

21 Q. You don't remember making any
22 contributions to Mr. Knight?

23 A. No.

REGIONAL REPORTING SERVICE, INC.

70

1 Q. Did he just come up to you in the
2 rotunda and say, "Steve, I think this is
3 a heck of a bill, and I want to go out
4 and do something for the country, or
5 this is my cup of tea," or what did he
6 say?

7 MR. PECK: Object to the form.

8 A. I don't know what his motivation was.

9 You would have to ask him.

10 Q. Did you approach him, or did he approach
11 you as you recall?

12 A. I don't know. As I said that primary
13 function was one of my people. I was
14 really in a support role to him at that
15 point in time.

16 Q. Who was that person?

17 A. Johnny Crawford.

18 Q. Now, Mr. Crawford used to work for the
19 Senate, didn't he?

20 A. That's correct.

21 Q. He has a lobbying outfit of his own?

22 A. He does now.

23 Q. What is the name of that outfit?

REGIONAL REPORTING SERVICE, INC.

71

1 A. I think it is John Crawford and
2 Associates.

3 Q. Have you ever heard of a group called
4 the Franklin Group?

5 A. I have.

6 Q. What is that group?

7 A. Franklin Resources Group is an LLC that
8 is basically a consortium of individuals
9 or individuals representing firms who do
10 work in the public affairs area.

11 Q. And who all is involved in that LLC?
12 A. I'm involved, Johnny Crawford is
13 involved, Charlie Rowe, who has a
14 consulting business, former state budget
15 officer.
16 Q. Ronnie Flippo in it?
17 A. Ronnie Flippo I think is still in it.
18 Q. And when was this group formed?
19 A. Let's see. Franklin Resources Group I
20 think would have been formed in 1996 or
21 1997. I think 1996.
22 Q. Do y'all jointly handle clients,
23 mutually have a list of clients that

REGIONAL REPORTING SERVICE, INC.

72

1 y'all work for together, you and
2 Mr. Crawford and Flippo?
3 A. Depends on the client. Generally --
4 Really -- Sometimes if there is a client
5 that needs the services that others in
6 the group have, then sometimes we will
7 refer that client to those or we will
8 associate those and we will have an
9 arrangement worked out to provide that

10 service.

11 Q. Is Monsanto one of those clients that
12 y'all all work for, the Franklin Group?

13 A. No.

14 Q. Alabama Power Company, are they
15 represented by the Franklin Group?

16 A. No.

17 Q. Does any one of these consultants you
18 know of represent the Alabama Power
19 Company?

20 A. Not to my knowledge. That is possible.

21 I don't know who the company retains.

22 Q. Can you tell me the major things that
23 y'all have worked on together jointly in

REGIONAL REPORTING SERVICE, INC.

73

1 this public affairs group since y'all
2 have been together?

3 A. Well, the entire group doesn't work on
4 an issue. As I said, it would depend on
5 the expertise of those in the group and
6 what the particular client's needs or
7 issues are. There really have been very
8 little. The Franklin Resources Group

9 still exists, but the concept never
10 really worked, so there has been very
11 little. Johnny Crawford and I have had
12 some joint agreements to provide some
13 small level of service to a couple of
14 clients, and that's been about it.

15 Q. Who are they?

16 A. One would be the Economic Development
17 Association of Alabama.

18 Q. What is that?

19 A. That's the state trade association, for
20 lack of a better term, of the local
21 economic developers all over the state.

22 Q. What else?

23 A. Johnny asked me to help him on a project

REGIONAL REPORTING SERVICE, INC.

74

1 he was involved in for -- I believe it
2 was called ITS or IDS, the data --

3 Q. Data processing people?

4 A. Right.

5 Q. Anything else y'all have done together?

6 A. Those two come to mind. As I said,
7 unfortunately the idea never really --

8 The concept was very productive. That
9 group still exists. I am still a member
10 of it, but it is primarily in order to
11 have access to office space in
12 Montgomery.

13 Q. Tell me if you would, Mr. Bradley, if
14 Monsanto has ever had any work done by
15 the Franklin Group.

16 A. No, not to my knowledge, not through me.

17 Q. What about Solutia?

18 A. No.

19 Q. Have you -- You have never called on any
20 of those people involved in this
21 group --

22 A. Well, when you said Monsanto earlier,
23 I'm thinking Solutia. I have no idea

REGIONAL REPORTING SERVICE, INC.

75

1 what Monsanto does.

2 Q. Do you know whether any of these people
3 represent Monsanto individually?

4 A. I have no idea.

5 Q. During the time that you were with Waste
6 Management, talking about -- back to

7 Emelle, do you know whether or not
8 Monsanto ever took hazardous waste from
9 their plant site in Anniston to there?
10 A. No. I have no idea.
11 Q. Ever have any contact with any of them
12 about that particular matter?
13 A. I had no contact with any of the firms
14 or organizations that use the facility.
15 Q. During the time that you were involved
16 either with the power company or with
17 Waste Management did you have any
18 contact with Don Siegleman?
19 A. I did.
20 Q. What about?
21 A. Oh, again, I would have to look at a
22 chronology, but Siegleman ran for
23 statewide office in 1990, I believe. I

REGIONAL REPORTING SERVICE, INC.

76

1 believe I'm right. And --
2 Q. Lieutenant governor?
3 A. I believe it was governor. And we had
4 some contact with him.
5 Q. When you were with Waste Management?

6 A. Yes.

7 Q. Contribute to his campaign?

8 A. I do not remember.

9 Q. Encourage your people to vote for him,
10 loan him a car or --

11 A. Again, I didn't join until September of
12 '90, so it was limited if any. I don't
13 really recall.

14 Q. What other contact have you had with
15 him, either at Waste Management or --

16 A. If my time frame is right, he lost that
17 election in November of '90 -- I believe
18 that's right -- and went back into
19 private practice of law, and we retained
20 him to do some work for us.

21 Q. So you all retained Don Siegleman to do
22 some work for Waste Management?

23 A. Retained his firm.

REGIONAL REPORTING SERVICE, INC.

77

1 Q. Did he do any work personally for that
2 during that time frame?

3 A. He did.

4 Q. What kind of work was that that he did?

5 A. It, as I recall, was work on basically a
6 community assessment in south Alabama --
7 I think it was Baldwin County --
8 relative to some landfill siting issues.
9 And I think it was an assessment of the
10 reception that the community would give
11 if a landfill were to be sited there. I
12 think that's right.

13 Q. Anything else that he did?

14 A. Not that I recall.

15 Q. How did you happen to pick Siegleman?

16 Just friends of yours or --

17 A. We had known each other for quite a
18 while. He had been involved in politics
19 in Alabama, and we had become friends.

20 Q. And based on your experience with the
21 Alabama Power Company -- your efforts on
22 their behalf and then Waste Management?

23 A. Really before Alabama Power. He had

REGIONAL REPORTING SERVICE, INC.

78

1 been with the state democratic party,
2 and I had known him there. He was
3 secretary of state for two terms,

4 attorney general. Our paths had just
5 crossed.

6 Q. Any other work that he did for Waste
7 Management that you recall?

8 A. I recall that project. I don't recall
9 anything else.

10 Q. Maybe I'm missing something. That seems
11 sort of strange work for an attorney to
12 do. You say an assessment --

13 A. Well --

14 MR. PECK: It is not my concern.

15 I guess I should tell you to
16 be mindful -- I don't know if
17 there are any attorney-client
18 privilege issues here for
19 Waste Management. But be
20 mindful of those when you are
21 talking. I would just
22 caution you.

23 Q. What was the assessment? What did that

REGIONAL REPORTING SERVICE, INC.

79

1 consist of, just talking to people in
2 the community, asking what they thought

3 about it?

4 A. Well, there might be some

5 attorney-client relationship there, so I

6 will decline to --

7 MR. STEWART: How about marking

8 that. You are instructing

9 him not to answer on the

10 basis of the

11 attorney-client --

12 A. That is my decision.

13 MR. PECK: It is not his

14 privilege. It is Waste

15 Management's privilege. I

16 can't evaluate the situation,

17 Donald. It has almost no

18 relevancy to this. If you

19 want to call Judge Ott on

20 this issue, I'm getting a

21 little tired of it. You have

22 been now questioning this man

23 for an hour and twenty

REGIONAL REPORTING SERVICE, INC.

80

1 minutes, and we have barely

2 touched on anything of
3 relevance in this case. All
4 I'm saying is there may be
5 attorney-client issues, and
6 he -- If Waste Management had
7 an attorney-client
8 relationship with
9 Mr. Siegleman and they had
10 discussions, that would be a
11 protected relationship. And
12 that is what I'm advising
13 him.

14 MR. STEWART: Adam, I'm hurt that
15 you would slight what I
16 thought was an excellent line
17 of questioning here. My
18 feelings are deeply hurt.

19 MR. PECK: I'm sure you think it
20 is excellent.

21 MR. STEWART: We will go on to
22 something else. I do want
23 you to mark that. Of course

REGIONAL REPORTING SERVICE, INC.

1 our only reason for going to
2 Judge Ott is because you have
3 put a privilege log in front
4 of us. What we saw at that
5 point in time was an effort
6 to try to do what we needed
7 to do.

8 MR. PECK: Many times people raise
9 privileges with me, and I
10 don't run to the judge, but
11 that is your choice.

12 Telling somebody they
13 have attorney-client
14 privilege with an attorney
15 does not seem to me a
16 surprising thing to state.

17 It may to you.

18 MR. STEWART: Are you through?

19 MR. PECK: It does seem surprising
20 to you?

21 MR. STEWART: No. I said are you
22 through.

23 MR. PECK: I'm through.

REGIONAL REPORTING SERVICE, INC.

1 Q. Let's go on to the next -- what other
2 contact you had with now Governor
3 Siegleman? I'm not talking about with
4 Waste Management. I'm talking about
5 with anybody.

6 MR. PECK: Can we take a break? I
7 think I need to talk with him
8 a minute.

9 (A break was taken.)

10 Q. I believe you were telling us about your
11 contacts with Governor Siegleman after
12 that contact at Waste Management. What
13 were they?

14 A. Just general contact through the years.
15 He is a friend.

16 Q. Tell me if you would, have you had any
17 contact with him in connection with the
18 work that you are doing for Monsanto?

19 A. No.

20 Q. To your knowledge has any member of --

21 MR. PECK: I assume when you say
22 Monsanto you mean Solutia.

23 Q. The spinoff of Monsanto, the new

REGIONAL REPORTING SERVICE, INC.

1 company, have you had any contact with
2 him in connection with the work you are
3 doing?

4 A. No.

5 Q. Tell me if you would how your company
6 got started. When did that get
7 underway?

8 A. Bradley Townsend?

9 Q. Right.

10 A. Four years ago, a little over, it was
11 started to fill a need that we perceived
12 in the public arena for public
13 relations, community relations services.

14 Q. And do those include lobbying
15 activities, dealing with regulators? Do
16 you also do that kind of work?

17 A. We do some of that kind of work, yes.

18 Q. Who are the principals of your company?

19 A. Primarily myself.

20 Q. Anybody else work with you or have an
21 ownership interest?

22 A. No.

23 Q. Who are the employees that work with

REGIONAL REPORTING SERVICE, INC.

1 you?

2 A. Kay Syx, S-y-x.

3 Q. Is that your secretary that you have
4 previously talked about?

5 A. Administrative assistant, secretary.

6 Q. Who else?

7 A. Well, we don't have any other direct
8 employees. I'm a sole proprietor.

9 Q. There was a Lynn Sampson mentioned.

10 A. Yes. Occasionally I will contract with
11 free-lance practitioners to provide
12 services.

13 Q. Who are, if you can tell us, some of
14 those people that you have done that
15 with in connection with the work you
16 have done with Solutia?

17 A. Lynn Sampson.

18 Q. Anybody else?

19 A. I asked Guy McCullough, who sometimes
20 works with me on projects, and he did a
21 very brief bit of work.

22 Q. Who is Mr. McCullough? Where does he
23 live?

1 A. Lives in Birmingham.

2 Q. And who does he work for when he is not
3 doing contract work for you?

4 A. He has his own business.

5 Q. Is it a public relations firm?

6 A. It is a public relations and advertising
7 firm.

8 Q. What did he do for you?

9 A. He did a brief internet search for me
10 when we were trying to do general
11 research on community issues.

12 Q. What community issues?

13 A. I believe in the environmental area of
14 what environmental projects and
15 activities might be out there that
16 Solutia might consider becoming
17 associated with.

18 Q. Tell me if you would who suggested that
19 the internet search be done for that
20 kind of thing?

21 A. I don't remember. He is very familiar
22 with the internet and may have suggested
23 it. I just asked for some help on a

1 short time frame in determining or
2 getting an idea of environmental
3 organizations and projects out there.

4 Q. And when exactly did that occur?

5 A. Oh, golly, I'm going to say around the
6 end of the year of '98, first of 1999,
7 right in that time frame.

8 Q. And were you successful in finding some
9 environmental groups that Solutia had
10 worked with through the search?

11 A. We found groups out there, yes, and
12 projects. We weren't necessarily
13 looking for groups. Projects, programs,
14 environmental activities that the
15 company might consider either becoming
16 associated with or supporting.

17 Q. And to your knowledge has the company
18 done that?

19 A. No.

20 Q. Did you make a suggestion that they do
21 that?

22 A. Not a specific suggestion, no.

23 Q. Did you make an unspecific suggestion

REGIONAL REPORTING SERVICE, INC.

87

1 that they do that?

2 A. Generally that the environmental area --

3 that there were three general areas to

4 consider. One was education. The other

5 was -- One was environmental. Well --

6 Q. You said there was a third one?

7 A. There was. I can't recall it right now.

8 Q. You were making suggestions to Solutia

9 in your public affairs role as to things

10 they should do?

11 A. Right.

12 Q. Did you put that in the form of some

13 document that you drafted for them?

14 A. You got those documents.

15 Q. Okay. And could you -- Of course we had

16 a mountain of documents. Could you just

17 give me some idea as to how that is

18 designated so that one would -- Did that

19 have to do with the philanthropic

20 initiatives that you suggested they

21 might get involved in?

22 A. That was part of it, yes.

23 Q. How is that designated?

REGIONAL REPORTING SERVICE, INC.

88

1 A. You mean what form is the document?

2 Q. No. Does it have a title that you

3 remember?

4 A. No. They really don't have titles. It

5 would be in documents roughly around

6 that same time frame.

7 Q. Around the end of --

8 A. End of the year, first of this year.

9 Q. I think I can find those. Tell me if

10 you would if they accepted any one of

11 those suggestions that you made.

12 A. They did. The educational initiative,

13 which was really a joint decision. We

14 suggested that was an area to look at

15 and jointly made the decision that was a

16 worthwhile project.

17 Q. Who from Solutia worked with you on that

18 and helped make that decision?

19 A. Kevin Cahill and I and -- had discussion

20 with Blake Hamilton, who is the plant

21 manager at --

22 Q. Anniston?

23 A. -- Anniston.

REGIONAL REPORTING SERVICE, INC.

89

1 Q. Is that it?

2 A. Those with the primary ones.

3 Q. Did the three of you make the decision?

4 Was that a joint decision by the three

5 of you?

6 A. No. We didn't have the responsibility

7 to make the decision. We did make

8 recommendations that might be an area to

9 consider, the educational area.

10 Q. Where did those recommendations go?

11 A. They went to the corporate office.

12 Q. And who at the corporate office were

13 they sent to?

14 A. I sent those to Kevin Cahill.

15 Q. And to whom did Mr. Cahill send them if

16 you know?

17 A. I think Mr. Cahill reports to Christy

18 Beckmann.

19 Q. And was a decision made at

20 Mr. Beckmann's level, or did it go above
21 that?
22 A. Ms. Beckmann. I don't really know.
23 Q. Did you consult with Ms. Beckmann at all

REGIONAL REPORTING SERVICE, INC.

90

1 at any point?
2 A. I had some discussion with her, yes.
3 Q. In the course of her conversations did
4 she indicate she went higher to get
5 approval on the project?
6 A. I'm sure there were others she spoke to
7 in the corporate office. I think at the
8 same time Blake Hamilton had basically
9 reached that same conclusion, that the
10 education area was a community need, and
11 that is what he was hearing in the
12 community. So it kind of dovetailed
13 with what Mr. Hamilton also felt was
14 important.
15 Q. When you say Mr. Hamilton's hearing in
16 the community, can you tell us how that
17 came about, if he was in a position
18 where he heard that, or did he tell you

19 who he heard it from?
20 A. I don't recall exactly. I think that he
21 did have some discussion with Barbara
22 Boyd, who he had talked to as a
23 community leader. I think she was very

REGIONAL REPORTING SERVICE, INC.

91

1 supportive of that.
2 Q. Barbara Boyd is the state representative
3 from Calhoun County?
4 A. That's correct.
5 Q. Do you know or are you familiar with the
6 configuration of her district?
7 A. I just know it is right in that area.
8 That is such a convoluted set of lines I
9 couldn't tell you whose district is
10 where.
11 Q. All right. You had indicated that Lynn
12 Sampson -- you did some contract work
13 with her.
14 A. Uh-huh (indicating yes).
15 Q. Who is she?
16 A. Lynn helped me just gather basic
17 information about, again, programs that

18 were underway and programs that were
19 being considered. The other, in
20 response to your question, was the rural
21 health area.

22 Q. Rural health?

23 A. Uh-huh (indicating yes).

REGIONAL REPORTING SERVICE, INC.

92

1 Q. And where were y'all looking at -- What
2 particular geographical location were
3 y'all looking to place a rural health
4 facility?

5 A. We weren't looking at any one particular
6 area. We talked to -- I talked to some
7 people at the State Department of
8 Education. I talked to some people at
9 the State Health Department.

10 Q. Who did you talk to at the State
11 Department of Education?

12 A. I honestly -- I don't know. I looked up
13 a name in the blue book, the directory,
14 the state directory and got a name and
15 called. I'd have to go back and look.
16 Same at the health department.

17 Q. And what was the nature of your
18 discussion about the -- the education
19 initiative? Is that what you talked
20 about at the State Education Department?

21 A. Yes. Lynn talked to a number of local
22 administrators and teachers to get their
23 assessment on what was important to

REGIONAL REPORTING SERVICE, INC.

93

1 them, what their needs were. I did the
2 same with those people at the Montgomery
3 state department level.

4 Q. Where did she talk -- Who did she talk
5 to in particular, if you recall?

6 A. I think she talked to teachers, some
7 teachers, some administrators, some
8 principals perhaps in Calhoun,
9 Talladega, St. Clair counties, probably
10 other areas.

11 Q. When did she do that? When did she talk
12 to people in Talladega County, St. Clair
13 County?

14 A. Around that same time frame.

15 Q. Latter part of '98 early '99?

16 A. Correct. And I think she probably
17 talked to some other people in other
18 parts of the state as well.
19 Q. But you specifically remember she did
20 talk to teachers and superintendents in
21 Calhoun, St. Clair, and Talladega
22 County?
23 A. Yes.

REGIONAL REPORTING SERVICE, INC.

94

1 Q. Did she prepare a report and give that
2 to you?
3 A. She gave me some material, and that was
4 included in the memoranda that I sent to
5 Kevin Cahill.
6 Q. And that is something you have already
7 provided to us?
8 A. You have all of that.
9 Q. Tell me what else she did for you if you
10 recall during this time.
11 A. During that period of time, that was
12 basically it. Just help on research,
13 those three areas.
14 Q. Had you done anything at all with

15 anybody else other than Lynn Sampson

16 and --

17 A. Guy McCullough.

18 Q. -- Mr. McCullough?

19 A. Not on this project, no.

20 Q. So the work you have done for Solutia --

21 MR. PECK: By this project you

22 mean Solutia education?

23 Q. I mean for Solutia itself.

REGIONAL REPORTING SERVICE, INC.

95

1 A. Both.

2 Q. So you have not done any work with

3 anybody else, either as an employee or

4 on a contract basis in your public

5 affairs work that you have done for

6 Solutia other than in your shop or out

7 of your shop, through your office other

8 than Lynn Sampson and Mr. McCullough?

9 And I'm not talking about work and

10 contact you might have had with Kevin

11 Cahill and those type people. I'm

12 talking about people you hired.

13 MR. PECK: There is documentation

14 I have seen -- He may be
15 thinking of public affairs.
16 I was thinking of the UAB
17 people you have dealt with.
18 A. Oh, I have talked to a number of people
19 in the community. But -- Are you asking
20 people who have done work for me?
21 Q. I'm specifically asking about people who
22 have done work for you in connection
23 with your work for Solutia, whether it

REGIONAL REPORTING SERVICE, INC.

96

1 is Lynn Sampson or Mr. McCullough or
2 anybody else that has provided you with
3 information. You have told us, for
4 instance, about teachers and
5 superintendents and people like that you
6 contacted. I appreciate Mr. Peck's
7 suggestion. I mean, if you actually had
8 some other people work with you and
9 provide you with documentation on
10 suggested projects, tell us about that.
11 If you are talking about Mr. Richardson
12 at UAB, I will get to that.

13 MR. PECK: That is what I was
14 thinking of.
15 Q. We will get to that. Anybody else?
16 A. I talked to a number of people in the
17 community, but as far as people doing
18 work for me, no.
19 Q. Who are the people you talked to in the
20 community? Are you talking about in
21 Anniston?
22 A. Uh-huh (indicating yes).
23 Q. Who?

REGIONAL REPORTING SERVICE, INC.

97

1 A. I talked with Jim Campbell, who --
2 Q. Did you talk with him about the Swift
3 case?
4 A. (Witness shakes head negatively.) We
5 didn't talk about any legal matters.
6 Q. That's the case you are testifying in.
7 I just wondered. When did you talk to
8 Jim?
9 A. Probably around that time frame after
10 the first of the year.
11 Q. What did you talk to him about?

12 A. I was just starting -- Actually that
13 would be in early or mid -- first part
14 of '98, not the first part of '99.
15 Q. And what did you talk to Mr. Campbell
16 about?
17 A. I was asked to do a community assessment
18 for Solutia. I had just started on that
19 project, went to Jim to ask him if he
20 would be kind enough to give me some
21 advice about who to talk to in the
22 community to get a picture of the
23 community's assessment of Solutia.

REGIONAL REPORTING SERVICE, INC.

98

1 Q. Who did he suggest that you talk to?
2 A. He suggested several individuals. We
3 never really got to that point because I
4 didn't pursue it. One was the mayor of
5 Anniston. And Jim had actually set up a
6 lunch, but we never -- We had to cancel
7 that at one point and that never
8 proceeded.
9 Q. What else? Who did he suggest that you
10 talk to?

11 A. He was to -- We were going to visit
12 again, and he was going to help me
13 identify some other community leaders as
14 a courtesy to me to try to set up some
15 meetings, but we never got that far.
16 Q. When you say you were doing a community
17 assessment, had someone at Solutia asked
18 you to do that?
19 A. Yes.
20 Q. Would the assessment be talking to
21 community leaders to find out their
22 perception of Solutia?
23 A. Basically.

REGIONAL REPORTING SERVICE, INC.

99

1 Q. Who at Solutia asked you to do that?
2 A. The initial conversation I had was with
3 Beth Rusert.
4 Q. When did you have that conversation with
5 her?
6 A. Early '98.
7 Q. And who else did you have a conversation
8 with?
9 A. Very briefly she had some kind of

10 medical issue, had an operation, was
11 out. Kevin Cahill took that
12 responsibility, and then subsequently
13 mainly we kept it.

14 Q. But you never did the community
15 assessment?

16 A. I started. I never really got into it.
17 I talked also with Phil Sanguinetti at
18 The Anniston Star.

19 Q. When did you talk with Mr. Sanguinetti?

20 A. At the same time frame, mid spring of
21 '98, approximately.

22 Q. What was the substance of your
23 conversation with Mr. Sanguinetti?

REGIONAL REPORTING SERVICE, INC.

100

1 A. Well, I knew that he had once been an
2 employee at the former Monsanto plant
3 and would be a good person to give me an
4 assessment. That is what one does in a
5 community assessment, is talk to
6 community leaders.

7 Q. What did he tell you about? Go ahead.

8 MR. PECK: You can tell him.

9 A. Not much. Generally the reaction was
10 that the plant had been downsized
11 considerably. There had been a name
12 change -- there was confusion about that
13 -- and that Solutia really didn't have
14 too much of a community presence. He
15 knew -- I think Blake Hamilton had just
16 come on board, and he did not really
17 know Blake very well, was getting to
18 know him, and not much.

19 Q. How did he say he knew Blake?

20 A. I think through a civic club, local
21 civic club.

22 Q. They belonged to a civic club together?

23 A. I think so.

REGIONAL REPORTING SERVICE, INC.

101

1 Q. Did you arrange for Blake to visit him
2 and meet him?

3 A. No. I think they already knew each
4 other.

5 Q. Did y'all talk about PCBs?

6 A. No, not really.

7 Q. You didn't discuss the PCB problem or

8 the litigation that was then pending?

9 A. Well, obviously he was aware of the
10 issues out there. But that was not my
11 purpose in talking to him, to talk about
12 PCBs.

13 Q. Did you ever talk to The Star or the
14 people at The Star about the PCB problem
15 or communicate with them in any way?

16 A. No.

17 Q. Let's go back to Lynn Sampson. Before I
18 leave, let's get back to these people
19 that you talked to. But before I leave
20 her, did she do any work for you after
21 1998?

22 A. Yes.

23 Q. What did she do if anything?

REGIONAL REPORTING SERVICE, INC.

102

1 A. Lynn was assigned to go to the Decatur
2 facility earlier this year when the
3 Solutia education program was announced
4 and to help with the media there and to
5 help the plant manager on the issuance
6 of the announcement and so forth.

7 Q. Anything else?

8 A. She may have helped with a few little
9 things here and there. I don't recall
10 much if anything. That was primarily
11 it.

12 Q. Now, anybody else you --

13 A. Oh, she did -- I'm sorry. She did write
14 a speech for Blake Hamilton.

15 Q. When did she do that?

16 A. Oh, it was May of this year. He had a
17 request to make a talk locally to a
18 group of outstanding students, and then
19 there would be administrators and
20 others. And it was at the last minute,
21 and he needed some help in getting his
22 ideas down on paper, so she wrote a
23 speech for him.

REGIONAL REPORTING SERVICE, INC.

103

1 Q. Is that in documents you provided?

2 A. Yes.

3 Q. What if you recall was the subject of
4 the speech, the PCB problem they had or
5 motivating young people?

6 A. It was the importance of education and
7 the opportunity that lay ahead of them.
8 Q. Do you remember what group he spoke to?
9 A. I do not.
10 Q. Now, at the time that you -- Other
11 people that you talked to in connection
12 with this assessment, other than Phil
13 Sanguinetti and Jim Campbell, who were
14 they?
15 A. Several individuals at the Anniston
16 office of Alabama Power who were
17 familiar with the community.
18 Q. The vice president there, Ronnie Smith?
19 A. No, I never talked to Ronnie.
20 Q. Who did you talk to at the power
21 company?
22 A. He was not in at the time. I talked to
23 Ken Deal. I believe he is a district

REGIONAL REPORTING SERVICE, INC.

104

1 manager or was at least then.
2 Q. He is.
3 A. And I talked to one other individual
4 there who is the division manager, and

5 Wade, Ward -- Wade or Ward. I can't
6 remember. But I talked with him also.
7 Q. Of the Alabama Power Company?
8 A. Uh-huh (indicating yes).
9 Q. And what was the nature or the substance
10 of the conversation you had with them?
11 A. Well, the company has a very good I
12 think community relations program,
13 wherever they are, and I just wanted to
14 get their assessment of Solutia's
15 situation.
16 Q. What was their assessment of Solutia's
17 situation?
18 A. About the same as others, that they were
19 very quiet in the community, that they
20 had very little presence, that there had
21 been a lot of publicity about the
22 environmental issues. But other than
23 that, Solutia didn't have much of a

REGIONAL REPORTING SERVICE, INC.

105

1 presence there. The name change and
2 that came up.
3 Q. Tell me if you would anybody else that

4 you talked to besides those people.

5 A. I talked also at The Star to the

6 executive editor.

7 Q. Chris Waddle?

8 A. Yes.

9 Q. And what was the substance of the

10 conversation -- hold it just a minute.

11 (Discussion held off record.)

12 Q. What was the substance of that

13 conversation?

14 A. Basically the same. There just wasn't

15 much response. They knew they were

16 there. He was concerned about a city

17 limits issue. He was confused about

18 where the city limits were, and he

19 thought it would be good for Solutia to

20 be in the city limits. And they had

21 fought that, and it turned out they were

22 already in the city limits, so I never

23 quite understood that.

REGIONAL REPORTING SERVICE, INC.

106

1 Q. Did you discuss PCBs and the PCB problem

2 with Mr. Waddle?

3 A. No.

4 Q. Did he ask you any questions about it
5 while you were there?

6 A. No.

7 Q. Did he want you to provide him with any
8 information while you were there?

9 A. No.

10 Q. Seem concerned about it?

11 A. Not particularly.

12 Q. Did it come up at all?

13 A. I was not there to talk about PCBs.

14 Q. I understand. But did it come up at all
15 during the time you were there with
16 Mr. Waddle?

17 A. Other than the same way with others I
18 talked to, that they were aware of the
19 environmental issue, but other than
20 that, I don't know.

21 Q. Who else did you talk to?

22 A. I think there was one other individual
23 with the power company who sat in. I

REGIONAL REPORTING SERVICE, INC.

107

1 don't remember who it was, but it seems

2 like there were three people, Ken Deal,
3 the division manager, and someone else.
4 But I did not know him.
5 Q. Anybody else?
6 A. Not there.
7 Q. I mean anywhere in Anniston.
8 A. I know. I'm trying to think. No. I
9 think that's it. To the best of my
10 recollection, I had just started on that
11 program.
12 Q. What was the reason the community
13 assessment was requested by Solutia?
14 A. Well, it was my understanding that
15 Solutia wanted an assessment because
16 they wanted to have a picture of how
17 they were perceived in the community.
18 Q. And who told you that?
19 A. Well, as I said, primarily at that time
20 I was dealing with Kevin Cahill.
21 Q. Did Mr. Cahill tell you who had asked
22 him to get that information from you?
23 A. No.

REGIONAL REPORTING SERVICE, INC.

1 Q. Did you get some kind of written
2 directive to make a community
3 assessment?
4 A. No.
5 Q. Did you make notes of the conversations
6 you had with people?
7 A. No.
8 Q. Did you provide some kind of written
9 report?
10 A. No.
11 Q. Why wasn't this pursued? You have
12 indicated you saw some people and you
13 were involved actively in it, I think
14 you said in the early part of '98. And
15 you just stopped. Why wasn't it
16 pursued?
17 A. Well, as I recall this was -- There was
18 a potential --
19 THE WITNESS: Can I confer with
20 him just one second?
21 MR. PECK: Sure.
22 (Discussion held off record.)
23 Q. You were telling me why they --

REGIONAL REPORTING SERVICE, INC.

1 A. Yes, yes.

2 Q. There was something about to happen and

3 so they decided they didn't want to do

4 it?

5 A. Yeah. It appeared there was a court

6 date in June, early June, and we just

7 thought it was best that I not be out in

8 the community when there was a

9 possibility that this matter was going

10 to be in court, and we thought it was

11 best just to pull back.

12 Q. When you say we thought it was best, who

13 was it that felt that would be the best

14 thing to do?

15 A. I talked it over with Kevin.

16 Q. What was Mr. Kevin's assessment of that

17 situation? What did he tell you?

18 A. I think he agreed with that.

19 Q. What did he say in substance?

20 A. I don't remember precisely. He

21 generally agreed it would be best just

22 to wait for a while before we undertook

23 any kind of comprehensive assessment out

REGIONAL REPORTING SERVICE, INC.

1 there in the community.

2 Q. Who had informed him or you that there

3 was a court date in June?

4 A. I think he had told me about it.

5 Q. And you were telling me they wanted to

6 know the perception. Why did they want

7 to know? They were what size plant?

8 A. You mean in Anniston?

9 Q. Yeah.

10 A. I think there are roughly ninety, a

11 hundred employees there.

12 Q. There had been ninety to a hundred

13 employees for some time, had there not,

14 Mr. Bradley?

15 A. I do not know. I just know that was the

16 number when I was retained.

17 Q. Do you have any idea how long that plant

18 has been there?

19 A. I know it has been there for some time.

20 Q. Over fifty years?

21 A. I guess, yes. I don't know.

22 Q. And I guess what -- The reason I'm

23 asking the question is why is it that

REGIONAL REPORTING SERVICE, INC.

1 all of a sudden when the spinoff
2 occurred that Solutia wanted to know
3 what this community thought about them?
4 Would it not be logical that they would
5 have had sort of an idea?

6 A. Well, I think that they probably knew
7 that they had been rather low key. They
8 also -- There was a name change. That
9 always brings about a little confusion.

10 And I think that before you undertake a
11 community relations program, which is
12 what I was retained to do, you need to
13 know where you are starting from.

14 Q. So is it your statement here today that
15 the community assessment that you were
16 doing had to do with, number one, the
17 name change, and that you were going to
18 start a community relations program?

19 A. Well, it didn't have to do primarily
20 with the name change. That was one
21 factor. It had to do with the need to
22 know what the perceptions were generally
23 about the enterprise in the community.

1 Q. Well, I guess --

2 A. That is what an assessment is.

3 Q. Well, that is sort of answering the
4 question by saying what y'all were
5 doing. And you still haven't told us
6 why they decided at that point in time
7 to find out what the community thought
8 about them. I mean, you are saying a
9 community assessment is to find out the
10 perceptions the community has of the
11 company. But that is not answering my
12 question. Why did they make the
13 determination --

14 A. I don't know. All I know is I was
15 retained to do that at that time.

16 Q. And why is it that you were retained, if
17 you understand, Mr. Bradley, to do a
18 community relations program? Why is it
19 that this company decided to become high
20 key rather than low key in this
21 community at this particular time? Do
22 you know?

23 A. I didn't say they chose to become high

1 key. I said the initial assessment I
2 got back was that Solutia had been
3 rather low key. I didn't say they made
4 a decision to be high key. I think it
5 is logical and understandable that any
6 corporate entity wants to know how it is
7 perceived in the community. That is a
8 logical, understandable need to be
9 filled.

10 Q. Did it have anything to do -- in any
11 conversation you had with these people,
12 with the PCB problem? It did, didn't
13 it?

14 A. What was your question?

15 Q. Did the community assessment and the
16 desire to have some idea about the
17 perception have anything to do with the
18 PCB problem?

19 A. I was not retained to produce a
20 community relations program based on the
21 PCB issue, no.

22 Q. How is it that you understand -- if it

23 did at all affect the decision to do

REGIONAL REPORTING SERVICE, INC.

114

1 this community assessment, first? I'll
2 ask you that first.

3 MR. PECK: Object to the form,
4 calls for speculation by this
5 witness. Go ahead.

6 A. Would you repeat your question?

7 Q. How is it that the PCB problem that
8 existed at the plant site in Anniston
9 that was once Monsanto and spun off and
10 became Solutia affected the decision to
11 get a community assessment?

12 MR. PECK: Same objection.

13 A. I don't know. I just know that I was
14 retained to do the community assessment
15 and to recommend a community relations
16 program, which is not -- I mean, that's
17 a normal request that we get in this
18 business from many other companies.

19 Q. Tell me if you would, Mr. Bradley, who
20 made contact with you first to hire you
21 to do the work?

22 MR. PECK: Object to the form of
23 the question, asked and

REGIONAL REPORTING SERVICE, INC.

115

1 answered.

2 Q. Who contacted you and hired you?

3 A. Oh behalf of Solutia?

4 Q. Yes.

5 A. I think the first contact I had was from

6 Beth Rusert.

7 Q. And what was the date of that contact?

8 A. It would be early -- either late '97 or

9 early '98.

10 Q. And where were you at the time you were

11 contacted?

12 A. I was in my Birmingham office.

13 Q. How did she contact you, by phone?

14 A. Telephone.

15 Q. And how is it that she happened to get

16 your name? Did she tell you?

17 A. I don't recall that she did.

18 Q. What did she say to you when she called

19 you?

20 A. Gosh, I don't remember exactly, that she

21 wanted to talk to me about -- that she
22 was representing Solutia, wanted to talk
23 about retaining our firm to do some work

REGIONAL REPORTING SERVICE, INC.

116

1 for them.

2 Q. Did she say who recommended you?

3 A. I don't recall that she did or didn't.

4 I just don't remember. She may have,

5 but --

6 Q. What else did she say to you in that

7 conversation?

8 A. Oh, you know, I don't remember exactly.

9 I get a lot of calls. Probably asked

10 about the firm and how we did -- set

11 about to do business and what our

12 background was and experience we had had

13 and so forth.

14 Q. Anything else she said in that

15 conversation?

16 A. Again, in that -- That is speculative.

17 That would be --

18 Q. All I'm asking for is your best

19 judgment. You are not going to be held

20 -- this is not a litmus test, just your
21 best judgment.
22 A. That would be a normal kind of set of
23 questions.

REGIONAL REPORTING SERVICE, INC.

117

1 Q. Have you since learned who recommended
2 that you --

3 A. Yeah. I think I testified last Friday
4 that I received a call from an attorney
5 at Balch and Bingham.

6 Q. So an attorney at Balch Bingham, who was
7 that?

8 A. Matt Bowdon.

9 Q. And what did Mr. Bowdon say to you?

10 A. He said he had been asked for a
11 recommendation from -- he didn't
12 identify the company that I recall -- a
13 company that had a manufacturing
14 presence in Alabama that had some
15 community issues and that he wanted to
16 recommend us and asked for some
17 material. And I think I sent him some
18 material.

19 Q. Who did Mr. Bowdon say asked him to find
20 out about you?
21 A. I don't he think he said at the time.
22 Q. Did you later learn who asked Mr. Bowdon
23 to find out about you?

REGIONAL REPORTING SERVICE, INC.

118

1 A. I think it was someone in the Alabama
2 Power division office.
3 Q. In Anniston?
4 A. Yes.
5 Q. Could that have been vice president
6 Ronnie Smith?
7 A. It may have been. I do not know.
8 Q. And did he indicate --
9 A. I did send some material, not to Ronnie
10 Smith but to someone else there.
11 Q. Who was the other person you sent that
12 to?
13 A. I'm not very good on names. Again, it
14 was the same individual I had mentioned
15 before.
16 Q. Wade somebody?
17 A. Yeah.

18 Q. You -- He might have been contacted by
19 Matt Bowdon, but you sent the material
20 to --
21 A. I think he -- after Bowdon had contacted
22 him, he con -- The Alabama Power
23 individual contacted me, and then I

REGIONAL REPORTING SERVICE, INC.

119

1 think he passed my name along to
2 Solutia.
3 Q. Who did he pass the name on to at
4 Solutia if you know?
5 A. I have no idea.
6 Q. When did these conversations take place?
7 A. Again, that same late '97 time frame. I
8 believe it was late '97.
9 Q. When you say community issues that Matt
10 Bowdon talked to you, did he mention
11 what those were?
12 A. Not really. I don't think so.
13 Q. When you had later conversation --
14 A. Again, I don't think he mentioned the
15 company at that time.
16 Q. When you had the conversation with Wade

17 whoever he was that was a division
18 manager over there, what did he say?
19 Did he tell you the company name?
20 A. I do not -- Honestly I don't know.
21 Q. Did he tell you the community issues
22 that were involved?
23 A. I don't recall discussing that.

REGIONAL REPORTING SERVICE, INC.

120

1 Q. Did he tell you the nature of your
2 assignment?
3 A. Generally my recollection is that it was
4 a fairly large company, that it had some
5 community relations issues, and it
6 needed someone to advise them -- Or they
7 needed someone to advise them on how to
8 deal with those issues, just generally.
9 Q. When you learned that it was Solutia how
10 is it that Monsanto or Solutia happened
11 to contact you through Mr. Bowdon? Did
12 you later learn how that happened or how
13 that occurred?
14 A. (Witness shakes head negatively.)
15 Q. Did you ever asked anybody?

16 MR. PECK: You have to speak out.

17 A. No. I'm sorry.

18 Q. Did you ever ask the power company --

19 A. That's the way this business works, on

20 referral. So that is not unusual, and

21 that is the way most business comes to

22 us, and I don't ask many questions.

23 Q. Okay. So -- And I want to be clear

REGIONAL REPORTING SERVICE, INC.

121

1 about this. My understanding is you had

2 no direct contact from Solutia

3 initially. You had the contact from

4 someone with Balch Bingham who you know

5 to be Alabama Power Company's attorneys.

6 Their offices are also located in the

7 building over there, aren't they?

8 A. I think one of the buildings, yes.

9 Q. In the power company headquarters?

10 A. (Witness nods head affirmatively.)

11 Q. And do you know --

12 A. I think they are located in the Harbert

13 Building.

14 Q. They are located in the Harbert

15 Building?

16 A. I think. Mr. Bowdon is, yes.

17 Q. Did you ever ask Ms. Rusert in this

18 first conversation what the community

19 issues were?

20 A. I'm sure we had a discussion of them. I

21 don't recall exactly what I asked her.

22 Q. When you say you had a discussion of

23 them, what was or what were the issues

REGIONAL REPORTING SERVICE, INC.

122

1 that y'all discussed?

2 A. Generally that there had been a great

3 deal of publicity about Solutia there

4 for a number of years and that there had

5 been the name change, would be the name

6 change -- it might have really been in

7 transition at that point -- and that

8 they wanted someone to do the assessment

9 and to recommend a program.

10 Q. When you say she indicated to you there

11 had been a great deal of publicity about

12 Solutia for a number of years, did she

13 tell you what about?

14 A. No. We didn't -- I don't think. I
15 mean, I don't have perfect recollection,
16 so I don't remember exactly what -- I
17 just remember talking to her. She
18 subsequently sent me a clipping file
19 that you have, just that had a whole
20 bunch of clips in it, for my background.
21 Q. Did she ever talk to you after that time
22 and tell you what this publicity was
23 about and why this concern on Solutia's

REGIONAL REPORTING SERVICE, INC.

123

1 part about this community relations
2 program?
3 A. I don't recall specifically a discussion
4 about that.
5 Q. Did PCBs ever enter the conversation
6 between you and Ms. Rusert at any point
7 in time?
8 A. Well, obviously that is an issue there.
9 Q. Did she say that was an issue at any
10 point in time, either when she sent you
11 those articles or --
12 A. I do not recall specifically.

13 MR. PECK: Make sure you let him
14 finish his questions. You
15 are jumping on his question.

16 THE WITNESS: Sorry.

17 Q. Do you recall her ever saying to you
18 that PCBs were an issue for Solutia in
19 the Anniston community?

20 A. I'm sure we discussed all the issues she
21 knew surrounding the plant, and I'm sure
22 that was one of them. It was certainly
23 in the clippings that she sent me.

REGIONAL REPORTING SERVICE, INC.

124

1 Q. Was it the major focus of the clippings
2 she sent you?

3 MR. PECK: Object to the form.

4 You can answer.

5 A. I think the majority of the clippings
6 probably had to do with that issue, but
7 there were all kinds of clippings in
8 there. There were lake advisories, a
9 number of different kinds of -- I mean,
10 you have the file there.

11 Q. Did the lake advisories have to do with

12 PCBs in Logan Martin Lake?
13 A. I'd have to look at the clippings to
14 tell you what lake. I can't keep those
15 lakes straight, frankly.
16 Q. Mr. Bradley, are you sitting here today
17 saying you are not familiar with the
18 fact that PCBs --
19 A. No. I'm --
20 Q. -- were a problem in Lake Logan Martin
21 and that that was the subject of some of
22 the clippings you received from
23 Ms. Rusert?

REGIONAL REPORTING SERVICE, INC.

125

1 A. That I was not familiar with that?
2 Q. That you are not familiar as you sit
3 here today --
4 A. I'm sure we discussed those. I'm sure
5 we did. And they were in the clippings.
6 I think that rather than spending a long
7 amount of time on a telephone
8 conversation, she said I will send you
9 this clipping file and you can look
10 through there and get your frame of

11 reference up for a lot of the issues
12 that have generated the publicity. So
13 she did, and I looked through the file.
14 Q. Did you have a subsequent conversation
15 with her where y'all discussed the need
16 for a community relations program?
17 A. We had only a couple of conversations as
18 I recall but generally about the need
19 for a community relations program and
20 how structurally we -- Most of our
21 discussion was on how we worked and how
22 we would go about that. And she seemed
23 to be very concerned that she get

REGIONAL REPORTING SERVICE, INC.

126

1 someone who knew what they were doing,
2 apparently.
3 Q. How is it that you told her you worked?
4 A. Well, I told her that first I thought an
5 assessment would be important and that
6 that would certainly -- that I would
7 have to look at this particular project
8 and come back with a recommended course
9 but that certainly first I would have to

10 get my frame of reference up to speed.
11 And that would involve just learning all
12 I could about the company, for one
13 thing. I knew virtually nothing about
14 Solutia, that I would need to know about
15 the company, that I would need to know
16 about the -- as much background
17 information as I could, and then that I
18 recommend a course of action.

19 Q. Is she the only person you have talked
20 to at Solutia in connection with this
21 assignment that you were going to be
22 given? Did you talk to anybody else
23 during this time frame when y'all were

REGIONAL REPORTING SERVICE, INC.

127

1 having these initial discussions?

2 A. Yeah.

3 Q. Did you later talk to somebody else,
4 anybody else?

5 A. Well, I talked to Kevin, as we
6 discussed. She was transferred, I
7 believe to Texas, I think. And Kevin
8 took over Alabama as part of his

9 responsibilities shortly after I had my
10 conversation with her. So we had a
11 short time frame, and the remainder of
12 that has been Kevin.

13 Q. How else did you learn about the
14 background of the company other than
15 what you have told us?

16 A. I had somebody to see what was on their
17 web site, pulled off their annual
18 report, read through the clippings.
19 They may have sent me some other
20 material, but I don't --

21 Q. Is that in the documents you provided to
22 us?

23 A. Everything that I have, you have. Other

REGIONAL REPORTING SERVICE, INC.

128

1 than those --

2 Q. I understand. Do you know the nature of
3 that?

4 A. Nature of --

5 Q. The documents they sent you on the
6 background on Solutia.

7 A. It was duplicative of what I got off the

8 web page, annual report, that kind of
9 thing.

10 Q. I went through these documents this
11 morning, Mr. Bradley. And I'm not
12 saying I'm perfect, because I'm like
13 you, I'm getting a little old and my
14 memory is not as good as it should be.
15 And as you can see by using these
16 cheaters, neither is my eyesight. But I
17 don't remember seeing an annual report.

18 A. It may not be there.

19 Q. Is there another set of documents you
20 have in a file --

21 A. No.

22 Q. -- that we have not received?

23 A. No.

REGIONAL REPORTING SERVICE, INC.

129

1 Q. If you got that annual -- frankly I do
2 not remember seeing some web site
3 information in there either.

4 A. It may not be in there because I didn't
5 save -- Until I got the first document
6 request, I hadn't saved every single

7 document.

8 Q. So the annual report from Monsanto and

9 the other documents they sent you to

10 give you some idea of the background

11 that would be duplicative of what you

12 found on the internet, you threw away?

13 A. If it is not there -- You have

14 everything that was in my file after

15 that document request.

16 Q. I'm not accusing you of holding

17 anything --

18 A. I have no idea --

19 Q. -- back. Is there a possibility that it

20 is in some other file in your office, a

21 set of documents that we haven't seen?

22 A. No. I don't think so.

23 Q. You have indicated in connection with

REGIONAL REPORTING SERVICE, INC.

130

1 your response a minute ago that

2 obviously PCBs were an issue. What do

3 you mean by that statement, obviously

4 PCBs were an issue?

5 A. Well, read the clippings. There is a

6 huge clippings file. When there is that
7 much in the media, it is obviously
8 something that is at a high --
9 relatively at least to other issues, at
10 a fairly high level in the community's
11 collective minds.

12 Q. I give you credit for having a pretty
13 good mind, Mr. Bradley, and it seems to
14 me that one who has been in the business
15 you have could probably answer this next
16 question. But how would you rank that
17 problem in the category of problems
18 Solutia had at the time you took this
19 job? Would that be sort of the number
20 one focal point of the community they
21 had at that point?

22 MR. PECK: Object to the form.

23 Q. PCBs?

REGIONAL REPORTING SERVICE, INC.

131

1 A. Relative to Solutia itself?

2 Q. Relative to their Anniston plant site
3 and what work you were doing for them
4 there.

5 MR. PECK: Object to the form.

6 A. I would say that was certainly one of
7 the major issues, but it was not the
8 only one.

9 Q. Was litigation mentioned by Ms. Rusert
10 at the time you discussed these matters
11 with her?

12 A. I don't recall.

13 Q. Is it your testimony here today -- I'm
14 talking about in the initial
15 conversation or subsequent
16 conversations. Is it your testimony
17 here today that Ms. Rusert or anybody
18 else from Monsanto ever talked to you
19 about the fact there was litigation
20 pending before you signed the agreement
21 with them?

22 MR. PECK: Object to the form of
23 the question. That is not

REGIONAL REPORTING SERVICE, INC.

132

1 his testimony at all.

2 MR. STEWART: I'm not saying that
3 is his testimony. I'm just

4 trying to cut to the chase on
5 some of these questions.
6 A. I didn't say it wasn't discussed. It
7 was not a major part of what we
8 discussed. I knew at some point after
9 these initial discussions that there
10 were these pending legal issues.

11 Q. How did you become aware of that?

12 A. I don't recall specifically, but I'm
13 sure that someone in some conversation
14 initially -- I knew it early on. I
15 don't recall when. I knew there were
16 these legal issues out there. I knew
17 there were lawsuits. I wasn't
18 particularly concerned about them, so I
19 didn't pursue them.

20 Q. Who is it if you recall -- or I believe
21 you said -- What was the substance of
22 what they told you about the litigation
23 that was pending in these initial

REGIONAL REPORTING SERVICE, INC.

133

1 discussions?

2 A. The only thing I really remember is that

3 there were a number of lawsuits and
4 there were a number of different cases,
5 some involving individuals around the
6 plant, some involving property owners
7 around several lakes or a lake. I mean,
8 I just knew they were out there.
9 Q. And what else did they tell you about
10 the fact they were out there, that they
11 were fairly significant lawsuits,
12 insignificant lawsuits, no problem, big
13 problem, small problem? What did they
14 say?
15 A. I don't recall that they characterized
16 them that way.
17 Q. You indicated earlier in response to
18 some of my questions that there was a
19 court date in early June. And I believe
20 that was in early June of 1998; is that
21 correct?
22 A. I think that's right.
23 Q. Who told you about that, Ms. Rusert -- I

REGIONAL REPORTING SERVICE, INC.

134

1 believe you said Kevin Cahill?

2 MR. PECK: Object to the form,
3 asked and answered.
4 A. I don't recall.
5 Q. In between the time you had these
6 initial discussions and the time you
7 talked about that court date in June of
8 1998, did you have any other discussions
9 with people about the litigation itself?

10 A. Not about the litigation itself, no, not
11 that I recall. I wasn't -- That was not
12 my primary focus. It is not what I was
13 hired to do. I just knew they were out
14 there. I'm not a lawyer. I didn't take
15 any particular interest in them other
16 than being aware that they were there.

17 (Plaintiffs' Exhibits Numbers
18 Three and Four were marked
19 for identification.)

20 MR. STEWART: Put on the record
21 that they are conferring.

22 Q. Let me show you Plaintiffs' Exhibit
23 Three and Four and ask you just to

REGIONAL REPORTING SERVICE, INC.

1 identify those for the record, just so
2 we have those specifically marked.

3 MR. PECK: Identify them I think
4 is ask what he said.

5 A. Yes. I'm familiar with these.

6 Q. Just identify them if you would for the
7 record.

8 A. One is the initial contract which --

9 MR. PECK: It helps just to --

10 A. Exhibit Three is the initial contract
11 with Solutia from March 1, '98, to
12 February 28, '99. Exhibit Four is the
13 extension of that contract from March 1,
14 1999, ongoing.

15 MR. STEWART: Could we take just a
16 short break? I've got
17 someone that needs -- we are
18 going to be here for a fair
19 amount of time.

20 (Discussion held off record.)

21 (Ms. Ellen Malow and
22 Mr. Charles Cunningham left
23 the deposition proceedings.)

REGIONAL REPORTING SERVICE, INC.

1 Q. We were talking about the contracts.
2 What is the total amount of funds you
3 have been paid by --
4 A. That would be forty-five hundred dollars
5 per month. The total amount from the
6 start of the contract?
7 Q. Yes.
8 A. It would be March 1, 1998, through May
9 of '99 times forty-five hundred,
10 whatever that is.
11 Q. Tell me if you would what percentage of
12 your total income that is.
13 A. Oh, gosh, I'll have to -- Let's see.
14 Forty-five, that would probably be seven
15 or eight percent, nine percent.
16 Q. Of your gross income?
17 A. Total gross.
18 Q. Mr. Bradley, are you paid -- Have you
19 been paid or promised anything else in
20 connection with this other than that
21 forty-five hundred dollars?
22 A. Nothing other than normal expenses, out
23 of pocket -- reimbursement of expenses

REGIONAL REPORTING SERVICE, INC.

1 that is contained in the contract.

2 Q. So the reimbursement of expenses are not

3 included in the forty-five hundred

4 dollars?

5 A. Right.

6 Q. Do you have any idea what they have run

7 you?

8 A. Most months there have been no expenses.

9 Q. I notice there was a clippings service.

10 Is that run by Mr. McCullough or

11 Ms. Sampson?

12 A. No. I subscribe on behalf of all

13 clients to a clippings service.

14 Q. Is that the Magnolia Clippings Service?

15 A. Right.

16 Q. Is that operated out of Montgomery?

17 A. You know, I don't know where they are

18 located now. They used to be in

19 Tuscaloosa. I have kind of lost track,

20 to be honest.

21 Q. You indicated you were having these

22 conversations with Ms. Rusert to begin

23 with. I interrupted you. We were

REGIONAL REPORTING SERVICE, INC.

1 talking about community issues and your
2 assessment of the community. Other than
3 those conversations you had with her,
4 did you have -- and Mr. Cahill, did you
5 ever talk to Blake Hamilton?

6 A. I talked to Blake Hamilton.

7 Q. I'm talking about in the initial phase.

8 A. No, I did not.

9 Q. Did you ever talk to Alan Faust?

10 A. Not in that initial phase, no. I had
11 one conversation before I was retained,
12 and I believe Blake Hamilton was a part
13 of that.

14 Q. When was that?

15 A. Probably January or February of '98.

16 Q. And who was present other than
17 Mr. Hamilton?

18 MR. PECK: On the phone call?

19 A. On the phone call?

20 Q. Was it a phone call?

21 A. Yes.

22 Q. I'm sorry. I thought it was a meeting.

23 A. No.

1 Q. Was there anybody on the phone call

2 or --

3 A. Yeah, there was.

4 Q. Were you on a speaker phone?

5 A. Yeah. I'm trying to -- I don't remember

6 whether Kevin was a part -- I don't

7 think he was on board then. Beth Rusert

8 may have been. I don't remember.

9 Q. Was anybody else on with you?

10 A. No. I was by myself.

11 Q. What was the substance of that

12 conversation?

13 A. They wanted to learn more about our

14 firm, how we -- our experience, how we

15 operated, my background, so forth. It

16 was strictly related to us.

17 Q. Did Mr. Hamilton say anything at that

18 period of time about these community

19 issues?

20 A. Not that I recall.

21 Q. Did he say anything about the PCB

22 problem that he was facing there at the

23 plant?

1 A. I don't believe we discussed that.

2 Q. Did you discuss the litigation --

3 A. Not in any detail. It may have been
4 mentioned. I don't remember. I mean, I
5 have trouble remembering what I had for
6 breakfast last week, much less a year
7 and a half ago.

8 Q. I understand. Did you discuss the
9 litigation?

10 A. If we did, I don't recall.

11 Q. Did you discuss the need for a community
12 assessment during that conversation?

13 A. No. As I said, in was mainly about my
14 background and experience and our firm
15 and how we went about things. We really
16 didn't get into any issues concerning
17 the facility that I recall.

18 Q. And that conversation would have taken
19 place before February 23rd of '98 when
20 you signed the contract?

21 A. Yes.

22 Q. Were there any other conversations with

23 other people about the agreement before

REGIONAL REPORTING SERVICE, INC.

141

1 you got there or before you got to that
2 point where you signed this contract?

3 A. I had -- I think I had a couple with
4 Kevin Cahill prior to that.

5 Q. And when did those conversations take
6 place, after the one with Mr. Hamilton
7 and --

8 A. Yeah. Kevin, as I said, assumed Alabama
9 as part of his responsibility, came to
10 visit.

11 Q. Did he come to visit you?

12 A. Uh-huh (indicating yes). Well, he
13 visited -- You know, he has statewide
14 responsibility. I believe he visited
15 one or more plants in the state and also
16 came by Birmingham and introduced
17 himself, and we visited a little bit.
18 That was I think after, though --

19 Q. After the contract?

20 A. -- the contract was signed. I don't
21 recall anything prior to that, anything

22 else.

23 Q. Christy Beckmann signed this contract.

REGIONAL REPORTING SERVICE, INC.

142

1 She is a vice president of public
2 affairs. That is Plaintiffs' Exhibit
3 Three. Plaintiffs' Exhibit Four is not
4 signed. Do you know how that happened?

5 A. That -- Other than it just takes a long
6 time through their administrative
7 process.

8 Q. But you assume it will be signed?

9 A. Yes.

10 Q. I assume you are getting paid whether
11 the contract is signed or not?

12 A. Yes, I am.

13 Q. Tell me if you would what was the --
14 What exactly were you told after the
15 contract was signed that Monsanto wanted
16 you to do, now? What was the first
17 thing you were told they wanted you to
18 do?

19 MR. PECK: Solutia.

20 Q. Solutia.

21 MR. PECK: I guess we can have an
22 understanding that when you
23 say Monsanto you mean

REGIONAL REPORTING SERVICE, INC.

143

1 Solutia.

2 MR. STEWART: Spinoff of Monsanto,
3 Solutia.

4 MR. PECK: She never really worked
5 for Monsanto.

6 Q. What were you told? What was the scope
7 of what you were being asked to do?

8 A. Well, I thought we had covered that
9 earlier.

10 Q. When you say that, are you saying you
11 thought they had asked you to do a
12 community -- build a community relations
13 program?

14 A. Well, essentially my -- the request was
15 to suggest a community relations --
16 comprehensive statewide community
17 relations program.

18 Q. Was that -- Were you told that by
19 Ms. Beckmann at the time the contract

20 was signed?

21 A. I never talked to her directly about the

22 contract.

23 Q. Well, is that what is referred to in the

REGIONAL REPORTING SERVICE, INC.

144

1 first paragraph of this agreement,

2 specifically BTPA -- and I'm looking at

3 Exhibit Four, and it is the same in

4 Exhibit Three -- will undertake a

5 comprehensive assessment and evaluation

6 of significant community issues of

7 interest to the client, which may

8 directly affect its ability to

9 efficiently manage and operate its

10 Alabama facilities located in Decatur,

11 Anniston, and Foley? Is that right?

12 A. Yes.

13 Q. You have indicated that in response to

14 that you did a community assessment in

15 Anniston?

16 A. Well, we started.

17 Q. Started.

18 A. We never -- On a scale of one to ten we

19 got a half of one. We just had barely
20 started.
21 Q. Just scratched the surface?
22 A. Right. We were going to pursue that in
23 the Anniston and the other locations and

REGIONAL REPORTING SERVICE, INC.

145

1 just never completed that.
2 Q. You didn't go to Foley?
3 A. No.
4 Q. Didn't go to Decatur?
5 A. Didn't go there and didn't complete the
6 rest of it in Anniston.
7 Q. Tell me if there were lawsuits pending
8 in Foley or Decatur.
9 A. I don't know whether there were lawsuits
10 pending in -- I would have no way of
11 knowing that. There may be.
12 Q. What did the employees that you talked
13 to tell you that they thought?
14 A. Employees?
15 Q. Yes. Beckmann, Rusert, Kevin Cahill
16 tell you they thought the perception of
17 Solutia was in Anniston?

18 A. Well, they didn't -- Kevin was new. He
19 didn't have any perception.
20 Q. Did Mr. Hamilton say anything to you in
21 his conversation?
22 A. Blake was fairly new at that time, had
23 only been there a few months, was just

REGIONAL REPORTING SERVICE, INC.

146

1 really beginning in effect his own
2 community visits and assessment. So we
3 didn't have any discussions of substance
4 that I recall because neither one of us
5 had much of a frame of reference. I
6 know that Blake told me he was trying to
7 get that done in addition to running the
8 plant and it was a challenge.

9 Q. To get --

10 A. To move around in the community as I
11 was.

12 Q. And when you say community, you are
13 referring to Anniston?

14 A. Well, that was the starting point, but
15 the program was a statewide program, as
16 the contract says.

- 17 Q. Tell me where you first went.
- 18 A. Where I first went?
- 19 Q. Once the contract was signed where did
- 20 you first go to do your work? Was that
- 21 in Anniston when you started the
- 22 community assessment?
- 23 A. We have already discussed it.

REGIONAL REPORTING SERVICE, INC.

147

- 1 Q. Did you visit the plant?
- 2 A. I did.
- 3 Q. Who gave you the tour of the facility?
- 4 A. Blake Hamilton, plant manager.
- 5 Q. When did that occur in relation to when
- 6 you signed the contract?
- 7 A. Sometime shortly after that.
- 8 Q. Shortly after February 23rd of '98?
- 9 A. Right.
- 10 Q. Was anybody else along with you on that
- 11 first visit?
- 12 A. You mean from my firm?
- 13 Q. First from your firm.
- 14 A. No.
- 15 Q. Was anybody else from Monsanto or from

16 Solutia there?
17 A. At the plant I was introduced to the key
18 department managers.
19 Q. Who was that? Do you remember?
20 A. No, I don't remember. I see them, but I
21 don't --
22 Q. Did you ever meet an Alan Faust?
23 A. Yes. He introduced Alan Faust and

REGIONAL REPORTING SERVICE, INC.

148

1 probably four or five other department
2 managers and heads.
3 Q. Did you understand from your
4 introduction to Mr. Faust that he was a
5 Monsanto employee or a Solutia employee?
6 A. I didn't really -- I just knew he worked
7 at the facility.
8 Q. Alan and Blake Hamilton. You don't
9 remember any other people? Were y'all
10 in one meeting, or did you just meet
11 them separately?
12 A. We had some individual meetings, and we
13 had one discussion in Blake's office
14 kind of with everybody about how the

15 plant operated and what it produced and
16 so forth, just so I would understand
17 that.

18 Q. So they just told you something about
19 the manufacturing process and tell you
20 about the number of employees and their
21 presence in the community? Are those
22 the kinds of things they talked about?

23 A. Yeah. Mainly trying to help somebody

REGIONAL REPORTING SERVICE, INC.

149

1 who is non-technical try to understand
2 what the plant did.

3 Q. Was there a Robert Jones in any of those
4 meetings?

5 A. I think so.

6 Q. Did Jerry Brown show up in any of those
7 meetings?

8 A. That sounds familiar, but I really have
9 had no contact -- or very little contact
10 with those people.

11 Q. With this meeting or this first meeting
12 did Mr. Hamilton mention PCBs at all?

13 A. I don't recall specifically.

14 Q. Do you recall anyone ever saying
15 anything to you from Monsanto or from
16 Solutia about PCBs?

17 MR. PECK: At that meeting or at
18 any time?

19 MR. STEWART: At the meeting or
20 any time.

21 A. Sure.

22 Q. Who has talked to you about that?

23 A. Well, again, specifically I can't tell

REGIONAL REPORTING SERVICE, INC.

150

1 you exactly who but I know that the
2 issue has been mentioned, certainly.

3 Q. What historically or historical
4 information have you been given about
5 PCBs?

6 A. Really not a lot.

7 Q. What?

8 A. Well, as I said, not a lot. I mean, I
9 was trying to answer the question. Very
10 little about the technical, scientific
11 side of it. Number one, I have very
12 little interest in that.

13 Q. Why is that?

14 A. Because I'm just not interested in

15 technical things. I mean, I knew

16 that --

17 Q. Were you not -- You are not saying you

18 weren't interested in the PCB problem;

19 you are just saying you were not

20 interested in the technical side of

21 PCBs?

22 A. That is not what I was hired to do.

23 They have scientists and engineers and

REGIONAL REPORTING SERVICE, INC.

151

1 people who understand those issues. I

2 was to deal with community issues.

3 Q. What were you hired to do in connection

4 with the PCB problem in relation --

5 A. I wasn't hired -- I'm sorry.

6 Q. -- to the community issues? Were you

7 not hired to assist --

8 A. No, I was not hired to assist Solutia

9 with PCB issues.

10 Q. Did Alan Faust talk to you at all about

11 remediation efforts that were going on

12 at the plant?

13 A. Yes, he did.

14 Q. What did he say about that?

15 A. He tried to explain the -- give me a

16 feeling for the history of it.

17 Q. What did he say?

18 A. I don't -- I don't remember

19 specifically.

20 Q. Did he tell you when they started the

21 remediation efforts?

22 A. Oh, my recollection was that the whole

23 issue had been going on there for some

REGIONAL REPORTING SERVICE, INC.

152

1 years. The remediation efforts for the

2 past several, generally. You know --

3 Q. So he told you that the PCB problem had

4 existed at the plant for years?

5 MR. PECK: Object to the form of

6 the question.

7 A. No. He didn't say that, and I didn't

8 say that either. I said that the issue

9 had been out there for some years and

10 that the remediation efforts had been

11 ongoing for the past several years.
12 Q. Well, by your response I'm assuming that
13 Mr. Faust told you that Monsanto and
14 then Solutia have been aware of this
15 issue for some time but then something
16 happened that triggered the remediation.
17 Is that what you are saying?

18 MR. PECK: Object to the form,
19 mischaracterizes his
20 testimony.

21 A. If you are asking me did they generally
22 discuss the remediation efforts
23 surrounding the plant, yes.

REGIONAL REPORTING SERVICE, INC.

153

1 Q. I'm just asking you, Mr. Bradley, really
2 what he told you about the history of
3 the PCB problem. And your response to
4 my question was Mr. Faust indicated to
5 you the problem had been there for some
6 time.

7 A. The issue had been out there.

8 Q. The issue had been out there for some
9 time. What issue are you talking about,

10 the issue of the cleanup of PCBs or the
11 need to remediate the PCBs, or what are
12 you talking about?

13 A. Just the environmental issue of -- out
14 there.

15 Q. You mean about PCBs at the Anniston
16 plant site?

17 A. I know that there were -- You know, I'm
18 trying to think if -- I don't remember
19 any specifics.

20 Q. But you say you know there were --

21 A. All I --

22 MR. PECK: You can finish. Go
23 ahead.

REGIONAL REPORTING SERVICE, INC.

154

1 A. All I can tell you is that was a part of
2 trying to get my frame of reference from
3 zero to a little higher than that. I
4 visited the plant. I was told about the
5 operational part of the plant, and then,
6 I mean, obviously there was a
7 remediation effort going on around the
8 facility, and they told me generally

9 about that. But --

10 Q. They being Mr. Faust and Mr. Hamilton?

11 A. Mr. Faust, uh-huh (indicating yes).

12 Q. And my question to you was -- in

13 response to my question to you, you

14 indicated they had told you or -- I

15 think you said Mr. Faust had told you

16 that the issue -- I assumed you were

17 talking about the PCB issue at the

18 Anniston plant; is that correct?

19 A. Uh-huh (indicating yes).

20 Q. -- had been there for some time, and

21 then for the past several years they

22 were remediating the property.

23 MR. PECK: Object to the form of

REGIONAL REPORTING SERVICE, INC.

155

1 the question,

2 mischaracterizes his

3 testimony.

4 Q. You can go ahead and answer.

5 A. There was a remediation effort that was

6 underway.

7 Q. Am I to understand from your response

8 that you learned from Mr. Faust in this
9 conversation that the issue about PCBs
10 had been there for some time before the
11 remediation started?

12 MR. PECK: Object to the form,
13 mischaracterizes his
14 testimony, calls for
15 speculation. He doesn't
16 remember --

17 A. You know, I really don't.

18 MR. STEWART: Mr. Peck, I would
19 just ask you out of courtesy
20 -- we are doing pretty well
21 -- if you want to make an
22 objection to the form and
23 don't make speaking

REGIONAL REPORTING SERVICE, INC.

156

1 objections.

2 MR. PECK: I'm stating my
3 objections for the record.

4 Go ahead.

5 A. You are going to have to rephrase the
6 question. I mean --

7 Q. I'm just asking you if you learned from
8 Mr. Faust that the PCB issue which had
9 been there in connection with the
10 Anniston plant had been there before the
11 remediation started. That was my
12 understanding.

13 A. Yes.

14 Q. And what was the basis for his saying
15 that? Did he tell you how they knew or
16 how Monsanto, which would have been the
17 plant owner at that time, knew about
18 this issue of PCBs before the
19 remediation started?

20 MR. PECK: Object to the form of
21 the question.

22 A. Not in any great detail.

23 Q. Whatever he told you, I just want your

REGIONAL REPORTING SERVICE, INC.

157

1 best recollection, Mr. Bradley.

2 MR. PECK: Object to the form.

3 A. It was just a general review of the
4 whole history of the plant. And as a
5 part of that -- from the start. And as

6 a review of the whole history of the
7 plant, that was a part of it.
8 Q. Did he indicate to you the time frame
9 when they first learned that there was
10 an issue about PCBs at the plant in
11 Anniston?

12 MR. PECK: Object to the form.

13 A. He may have in the course of that. I
14 don't recall specifically.

15 Q. And what was the nature of that problem
16 with PCBs historically that he told you
17 they had had there at the Anniston
18 plant?

19 MR. PECK: Object to the form.

20 You can answer.

21 A. Well, in a general review of the whole
22 issue, I suppose he indicated that --

23 MR. PECK: Let me -- You said you

REGIONAL REPORTING SERVICE, INC.

158

1 suppose. If you remember
2 something, tell him. If you
3 are speculating, if you don't
4 remember --

5 MR. STEWART: Mr. Peck, I would
6 ask you to make your
7 objections in the proper
8 form. I'm not going to
9 continue to be as patient.

10 MR. PECK: If you want me to take
11 him outside and counsel him
12 on not speculating, I will do
13 that. He is not supposed to
14 speculate.

15 MR. STEWART: Mr. Peck, I would
16 ask you to make proper
17 objections, and that will be
18 the last time I say that, and
19 we will call the judge. It
20 is not running to him. It is
21 just to keep you from doing
22 that in this deposition. We
23 will get through a lot

REGIONAL REPORTING SERVICE, INC.

159

1 quicker if you wouldn't do
2 that.

3 Q. Tell me, Mr. Bradley, what he told you

4 about the historical problem or issue --

5 A. I don't recall specifically.

6 Q. Just generally what you recall about him

7 telling you?

8 MR. PECK: Object to the form.

9 A. I think I have tried to answer that

10 question.

11 Q. Well, Mr. Bradley, was it related to

12 PCBs leaving the plant site?

13 A. It was related to a concern in the

14 community over certain levels of PCBs

15 found in the community and that the

16 company had tried to be responsive to

17 that and that while they felt certain

18 there had been no effect to human

19 health, that they had gone forward with

20 a remediation program.

21 Q. Anything else that he told you about

22 that?

23 A. That is generally it.

REGIONAL REPORTING SERVICE, INC.

160

1 Q. Did Mr. Blake Hamilton tell you anything

2 about that?

3 A. Not any more than that.

4 Q. How did he --

5 A. If he did, I don't recall specific

6 discussion with Blake about -- You know,

7 I was not there to talk about PCB issues

8 in the plant.

9 Q. Did he talk to you about the PCB problem

10 itself, his perception of the PCB

11 problem, Mr. Hamilton?

12 A. I don't recall if he did.

13 Q. Did Mr. Robert Jones, Mr. Bradley, or

14 Jerry Brown talk to you about that

15 issue?

16 A. If they did, it was very general. I

17 didn't have any detailed discussions

18 with either one of them at all or

19 whoever the other individuals were other

20 than Alan Faust and Blake Hamilton. I

21 didn't have any detailed discussions

22 with any of them. As a matter of fact,

23 one I think was just -- It was more on,

REGIONAL REPORTING SERVICE, INC.

161

1 again, the history of the facility.

2 That is what I was interested in.

3 Q. Tell me, Mr. Bradley, what image did

4 either Ms. Beckmann or Beth Rusert or

5 Kevin Cahill indicate that Solutia

6 wanted to project at this plant site?

7 A. They didn't have any specific image

8 other than they personally believed that

9 Solutia was a good company, made up of

10 good people, and that it cared about the

11 community. It had employees, families,

12 retirees living in that community, and

13 that it wanted to be supportive of those

14 employees and retirees and families

15 because they had to use the services

16 available in the community, educational

17 facilities and so forth.

18 Q. Did they give you materials that they

19 wanted you to use in developing the

20 image or the program?

21 A. No.

22 Q. You developed those materials yourself?

23 A. Well, we didn't really develop any

REGIONAL REPORTING SERVICE, INC.

1 materials. We just made recommendations
2 based on programs available out there,
3 activities, organizations in those three
4 areas that I mentioned earlier.

5 Q. Why is it, if you were told, did
6 Mr. Hamilton tell you they had not had a
7 community relations program before?

8 MR. PECK: Object to the form.

9 A. I don't know that Mr. Hamilton told me
10 that.

11 Q. What if anything did he tell you about
12 the community relations programs that
13 had existed before, historically when
14 the plant was owned by Monsanto or
15 Solutia?

16 A. I don't recall that he said anything
17 specific about that other than it was
18 his -- Well, I can't speak for him. I
19 don't -- Generally my impression was
20 that he felt that Solutia had a rather
21 low profile and that the name change was
22 confusing and that those issues
23 concerned him.

REGIONAL REPORTING SERVICE, INC.

1 Q. Concerned him how, that he wanted those
2 changed? Is that what he said?

3 A. I can't answer for him. And I don't
4 recall that he said anything past that
5 other than those were some things that
6 he was just generally -- I don't know if
7 "concern" is a correct word, but as the
8 manager of that facility, he was aware
9 of. That is probably a more proper way
10 to say it.

11 Q. Did he indicate to you that these
12 articles that you have seen where you
13 sort of ranked PCBs as a big problem,
14 that that was sort of the driving force
15 behind his desire to improve the
16 community image too?

17 MR. PECK: Object to the form.

18 A. Where I ranked PCBs?

19 Q. You ranked the PCB issue --

20 A. I don't think I said I ranked them as a
21 big problem. I said they were an issue
22 among other issues.

23 Q. A big issue.

REGIONAL REPORTING SERVICE, INC.

1 A. An issue.

2 Q. Well, what other issues did you see

3 other than this name change and that?

4 A. Well, at that point very little because

5 I hadn't really done anything at that

6 point.

7 Q. Did you arrive at any other conclusions

8 later other than those two that we have

9 talked about?

10 A. Well, those are not --

11 Q. The name change and the PCB problem?

12 A. Well, those are factors. They are not

13 really conclusions. I mean, at that

14 point I had talked to very few people.

15 I don't even remember exactly when that

16 was, but it was fairly early. I had yet

17 to come back and -- in fact never really

18 did come back with a complete

19 assessment, for reasons that we

20 discussed earlier.

21 Q. Well, how is it that you came up with a

22 program if you didn't do a community

23 assessment? I took from what you said

REGIONAL REPORTING SERVICE, INC.

1 earlier about the way you worked that
2 you did an assessment in the community
3 and then came up with a program. How is
4 it that you managed to extrapolate in
5 this situation some kind of program?

6 A. Well, because the three areas that we
7 look into, regardless of a community's
8 assessment of a particular corporate
9 entity, still are worthwhile programs
10 that are advantageous for any
11 organization to be associated with.

12 Q. Tell me if you --

13 A. Especially education.

14 Q. Tell me if you would -- You say we
15 looked into. You are talking about you
16 and the other people you mentioned
17 earlier, you, Mr. Cahill, Ms. Beckmann,
18 Mr. Hamilton?

19 A. No. The assessment was done primarily
20 by myself and some research by Lynn
21 Sampson at my request.

22 Q. So you all came up with these three
23 things you thought they should do?

1 A. We came up with those areas,
2 environment, education, and rural health
3 because those are three areas that we
4 believe are important to Alabamians.

5 Q. Can you --

6 A. And we suggested that those three areas
7 were the three that needed looking into.

8 Q. When did you first come in contact with
9 the firm known as Fleishman-Hillard?

10 A. Sometime in the summer of '98.

11 Q. That was after you had signed the
12 contract?

13 A. That's correct.

14 Q. Who did you have contact with there,
15 Mr. Hamsher?

16 A. I don't recall. I met one individual at
17 the plant sometime in the summer of '98,
18 and I do not recall who that was.

19 Q. What was the nature -- What was the
20 occasion for that meeting?

21 A. It was a part of responding to a media
22 inquiry from The Wall Street Journal.

23 Q. And was that by Mr. Mollenkamp -- I

1 mean --

2 A. Mollenkamp, correct.

3 Q. What was the substance of your

4 conversation with those people at that

5 time?

6 MR. PECK: Which people?

7 MR. STEWART: The people from

8 Fleishman-Hillard.

9 Q. Whoever the person was.

10 A. I had very limited conversation with

11 them. There had been a media inquiry, a

12 substantial inquiry from The Wall Street

13 Journal with a number of questions,

14 requests for a great deal of data,

15 response, and there was a meeting at the

16 plant to respond to that reporter. And

17 the representative from

18 Fleishman-Hillard was there to sit in as

19 a part of that meeting.

20 Q. And how is it you understand that that

21 person came to be at the meeting? Did

22 you contact the person or did somebody

23 from Monsanto?

REGIONAL REPORTING SERVICE, INC.

168

1 A. I have no idea. They provide assistance
2 to Solutia at the corporate level,
3 national level. They were just at the
4 meeting.

5 Q. And did that person, whoever it was,
6 play a part in having conversations with
7 Mr. Mollenkamp?

8 A. No, not that I recall.

9 Q. Did you have any further contact with
10 that company, Fleishman-Hillard after
11 that meeting?

12 A. A little bit, very little.

13 Q. Who did you have contact with?

14 A. Whoever that gentleman was who was at
15 the meeting.

16 Q. You don't remember what his name was?

17 A. I'm sorry. I don't.

18 Q. What was the nature of those
19 communications, phone, correspondence,
20 what?

21 A. There may have only been one subsequent

22 telephone conversation. To the best of
23 my recollection, I think it had to do

REGIONAL REPORTING SERVICE, INC.

169

1 with a subsequent inquiry from the
2 reporter. It might have -- I don't
3 really -- I would be guessing. If I had
4 another conversation with him, it was of
5 not much substance.

6 Q. You don't remember what the substance of
7 it was, but you do know the subject
8 probably was the inquiry from the
9 reporter?

10 A. If it was -- You know, I'm getting into
11 speculation here. I just remember
12 talking to somebody briefly. I don't
13 remember what it was about necessarily.
14 All I can recall is they were there at
15 that meeting. It had to do with The
16 Wall Street Journal reporter's inquiry.
17 I cannot remember what the follow-up
18 conversation was about specifically.

19 Q. Do you know when Fleishman-Hillard
20 started working for Monsanto?

21 A. No.

22 Q. Are you saying they were doing work for

23 Monsanto? Were they there for Monsanto

REGIONAL REPORTING SERVICE, INC.

170

1 or Solutia?

2 A. Solutia.

3 MR. PECK: I think y'all are

4 confused because you keep

5 calling it Monsanto.

6 MR. STEWART: Mark this if you

7 would.

8 (Plaintiffs' Exhibit Number

9 Five was marked for

10 identification.)

11 Q. Let me show you Plaintiffs' Exhibit

12 Five. This is one of the documents --

13 It appears to be something from

14 Fleishman-Hillard. How about taking a

15 look at that. I want to ask you some

16 questions about it.

17 A. Okay.

18 Q. It refers to a Christy. Who is that?

19 A. Christy Beckmann.

20 Q. It says, "Fleishman-Hillard on a
21 graphic, with the name to use on a
22 banner. We have two banners per plant
23 site." What is she talking about?

REGIONAL REPORTING SERVICE, INC.

171

1 A. I think it had to do with banners that
2 would be available during an
3 announcement of the Solutia Education
4 Connection program.

5 Q. It appears -- and of course I don't want
6 to read anything into it that is not
7 there, but I do want to know about it --
8 that Fleishman-Hillard apparently put
9 the banners together in connection with
10 this announcement of the education
11 program. Is that correct?

12 A. I assume so. I don't -- I don't know
13 who put the banners together.

14 Q. Is it fair if to say they perhaps were
15 advising also on this education
16 initiative, Fleishman-Hillard?

17 A. Well, again, you would have to ask
18 someone else. I just had that brief

19 contact with them.

20 Q. This is something that came to you from

21 Ms. Beckmann?

22 A. I guess so if it was in my file.

23 Q. And would it be fair to say that

REGIONAL REPORTING SERVICE, INC.

172

1 someone, either Beckmann or people there

2 at the corporate headquarters in St.

3 Louis of Solutia, indicated to you that

4 these people were advising them?

5 MR. PECK: Object to the form of

6 the question.

7 Q. You previously mentioned

8 Fleishman-Hillard advised then at a

9 corporate level. Am I to understand

10 that is where you obtained that

11 information, from Ms. Beckmann?

12 MR. PECK: Object to the form.

13 A. I don't know who I got that information

14 from.

15 Q. That was your understanding though; is

16 that correct?

17 MR. PECK: Object to the form.

18 A. I don't speak for Christy Beckmann or
19 Fleishman-Hillard or anything. I just
20 knew that they were involved.
21 Q. What do you know about that company,
22 Mr. Bradley?
23 A. Very little.

REGIONAL REPORTING SERVICE, INC.

173

1 Q. What do you know about the substance of
2 the advice they give to people in
3 connection --
4 A. I'm not -- I'm sorry. I'm not involved
5 in that.
6 Q. Not involved in what?
7 A. In what Fleishman-Hillard -- its
8 interaction or advice or lack of to
9 Solutia. I'm not involved in that.
10 Q. But you understand it is going on; you
11 just are not involved in it?
12 A. I don't know what is going on. I'm not
13 saying there is. I have no connection
14 with that at all.
15 Q. So would it be fair to say, then, that
16 the contacts you have mentioned in

17 connection with the responses that you
18 have already given to my questions is
19 the only contact you have had with those
20 people; is that correct?
21 A. Oh, it has been so small, there may have
22 been some other material that they put
23 together for Solutia.

REGIONAL REPORTING SERVICE, INC.

174

1 Q. What is that material you are referring
2 to?
3 A. I have no idea. I'm just saying it is
4 possible they may have.
5 Q. Do you understand or do you have some
6 idea that that might have been involved
7 in the litigation part of this thing as
8 opposed to --
9 A. It could have been.
10 MR. PECK: Without disclosing the
11 content, it is a
12 Fleishman-Hillard document on
13 the log.
14 Q. So you understand they might have been
15 involved in litigation advice; is that

16 correct?

17 A. That was -- yes.

18 Q. And that understanding you acquired from

19 some of these people you dealt with at

20 Solutia?

21 A. Yes.

22 Q. Now, how many times have you gone to the

23 facility up there other than this time

REGIONAL REPORTING SERVICE, INC.

175

1 that you have indicated you went up

2 there?

3 A. To Anniston?

4 Q. Yes.

5 A. Oh, golly, five or six, maybe seven

6 times.

7 Q. You indicated you went up there the

8 first time to see Mr. Hamilton. Can you

9 give us some kind of idea when you went

10 to the plant those other either five or

11 six times?

12 A. It may have been more than that. No.

13 It would just be periodically.

14 Q. Can you give us some idea of what

15 prompted you to go there?

16 A. I'm sorry.

17 Q. Go ahead.

18 A. One was with The Wall Street Journal

19 reporter.

20 Q. Now, that was related to an article

21 about PCBs; is that correct?

22 A. It was related to his inquiry about a

23 number of things. And you know, several

REGIONAL REPORTING SERVICE, INC.

176

1 other times just to stay in touch with

2 the plant manager.

3 Q. You mentioned The Wall Street Journal.

4 When you say plant manager you are

5 talking about Blake Hamilton?

6 A. Blake Hamilton. And then several times

7 in preparation for the announcement of

8 the education program, and then on that

9 day, the announcement of the program.

10 Q. All right, sir. Tell me if you would

11 who all was present at this Wall Street

12 Journal reporter meeting. Who all was

13 there?

14 A. Well, Mr. Peck was there.
15 Q. Who?
16 A. Mr. Peck.
17 Q. Adam Peck?
18 A. Yes. Kevin Cahill, Bob Kaley.
19 Q. Kaley?
20 A. Alan Faust, Blake Hamilton, that may be
21 it.
22 Q. And where was this meeting held? I
23 believe you mentioned earlier that you

REGIONAL REPORTING SERVICE, INC.

177

1 of course were present and there was
2 somebody present from Hillard --
3 Fleishman-Hillard?
4 A. Someone was there. They didn't
5 participate in that meeting as I recall.
6 Q. And where was the meeting held?
7 A. In one of the conference rooms at the
8 plant.
9 Q. And what was the nature of the
10 conversation that took place that day?
11 A. Well, as I said, trying to be responsive
12 to his numerous questions.

13 Q. Had a letter been sent by Mr. Mollenkamp
14 to someone with the company before that
15 meeting took place?

16 A. I think so, yes. I think he had had
17 some initial contact with the company.
18 Oh, yeah, before that meeting, yes, yes.
19 I think there had been several
20 conversations.

21 MR. STEWART: Mark that.
22 (Plaintiffs' Exhibit Number
23 Six was marked for

REGIONAL REPORTING SERVICE, INC.

178

1 identification.)

2 Q. And was that -- Let me show you
3 Plaintiffs' Exhibit Six and ask you to
4 tell me if that is in fact the letter
5 that was sent.

6 A. Yes, Exhibit Six.

7 Q. And tell me if you would what response
8 was given or who participated in the
9 response that was given to the gentleman
10 from The Wall Street Journal?

11 A. Principally Bob Kaley.

12 Q. Bob Kaley?
13 A. Yes.
14 Q. Who else participated other than
15 Mr. Kaley?
16 A. I think Adam may have to some extent.
17 But primarily as I recall Bob answered
18 most of the questions or tried to answer
19 most of the questions that the reporter
20 had.
21 Q. What do you recall --
22 A. I think also -- I'm sorry.
23 Q. Go ahead.

REGIONAL REPORTING SERVICE, INC.

179

1 A. I think also Alan Faust probably
2 assisted with some of the answers.
3 Q. What do you recall him asking at the
4 meeting?
5 A. Oh, gee.
6 Q. Well, let's take a look at the letter
7 dated -- You see the letter to
8 Mr. Cahill dated June 16th, 1998. Is
9 this the letter that was sent before
10 that meeting?

11 A. I think so, yes.

12 (A break was taken.)

13 (Mr. Taylor Stewart entered
14 the deposition proceedings.)

15 Q. You were telling us what the parties who
16 participated -- I think it was Bob
17 Kaley, Alan Faust and Adam Peck
18 participated in talking to -- You were
19 telling me about discussions y'all had
20 with Mr. Mollenkamp.

21 A. Mollenkamp, I believe.

22 Q. He had asked some questions. Do you
23 remember who asked the questions about

REGIONAL REPORTING SERVICE, INC.

180

1 the 1950 documents related to the
2 Aroclor workers?

3 A. No.

4 Q. Or the workers that were affected by
5 Aroclors?

6 A. No, I don't.

7 Q. Do you remember what the response was to
8 that?

9 A. No.

10 Q. There is a memo that he refers to that
11 indicates there is acknowledgement of
12 the health hazard and the toxicity of
13 the chemical PCBs?

14 A. I will just tell you generally I didn't
15 participate in answering any of the
16 questions. I happened to have a working
17 relationship with the reporter because
18 he had covered other clients that I was
19 involved with. I was basically a
20 facilitator, helping to set up the
21 meeting, a conduit for the questions. I
22 didn't participate in any of the
23 questions -- I mean, the answers.

REGIONAL REPORTING SERVICE, INC.

181

1 Q. You don't remember anything that
2 Mr. Kaley or Mr. Faust said in response
3 to the questions he was asking?

4 A. No, not specifically.

5 Q. So you don't remember anything that
6 Mr. Kaley said about PCBs?

7 A. Not specifically, no.

8 Q. Did y'all have any discussions before

9 this meeting took place with the
10 reporter, this group of people that we
11 have referred to?

12 A. I think there were some discussions,
13 trying to get answers to all of his
14 questions.

15 Q. Did you participate -- Did you not
16 participate in those questions -- I
17 mean, discussions?

18 A. I don't think I participated in all of
19 them, probably didn't participate in
20 most of them.

21 Q. What part did you play or what
22 participation did you have?

23 A. Well, as I said, I had learned that

REGIONAL REPORTING SERVICE, INC.

182

1 Mr. Mollenkamp was interested in Solutia
2 and was prepared to get in touch with
3 them. So I called Kevin Cahill and told
4 him that I had learned that and that
5 they should expect an inquiry. And then
6 subsequently they did get an inquiry.

7 Q. How did you learn that he was interested

8 in contacting Solutia?

9 A. He mentioned it to me in a conversation.

10 Q. Mr. Mollenkamp did?

11 A. Yes.

12 Q. What did he say? What did

13 Mr. Mollenkamp say to you?

14 A. Well, we talk occasionally. He had

15 mentioned to me that he was in Anniston

16 and he was working on a story involving

17 Solutia. And I told him that -- He did

18 not know and I told him in the interest

19 of disclosure that I now represented

20 them. And I don't recall exactly, but

21 basically then my role was to help

22 facilitate trying to get his questions

23 answered and that is what he wanted to

REGIONAL REPORTING SERVICE, INC.

183

1 do.

2 Q. Did he indicate to you in that

3 conversation -- Mr. Mollenkamp indicate

4 to you in that conversation what his

5 questions were?

6 A. No.

7 Q. Did he indicate to you he was going to
8 send a letter with some questions?
9 A. No, not at that point. That first
10 mention that he made to me was just a
11 general statement in passing that he had
12 been in Anniston and that he was
13 probably going to work on a story
14 involving Solutia. And I asked him when
15 he -- I got the impression at that time
16 that he wasn't quite sure whether he was
17 or not, and I told him that if he should
18 decide to do that, that the company
19 certainly wanted a fac An opportunity to
20 respond, and he assured me that he would
21 give them that opportunity.
22 Q. You have indicated that he has worked
23 with you with other clients. Who are

REGIONAL REPORTING SERVICE, INC.

184

1 those clients?
2 A. He did a story about Bruno's, Inc.
3 Q. Is that one of your clients?
4 A. It is.
5 Q. And by the way, what other clients of

6 that type do you have other than Bruno's
7 and Solutia? Who are some of your other
8 clients?

9 A. I don't know that I'm really in a
10 position -- Some of my clients I have
11 not discussed disclosure with, I mean as
12 far as -- I just wouldn't feel
13 comfortable giving you an answer on all
14 of that unless I ask them --

15 Q. Do you do any work with the State of
16 Alabama?

17 A. No.

18 Q. Do you do any work with the Alabama
19 Power Company?

20 A. Well, as I said, I just -- The story
21 concerning Bruno's, my involvement with
22 it was in The Wall Street Journal. That
23 is pretty much in the public arena. I

REGIONAL REPORTING SERVICE, INC.

185

1 just don't know that who I work for is
2 any --

3 Q. There is no privilege that I know of,
4 Mr. Bradley, that would extend to this

5 kind of thing.

6 MR. PECK: I think there could be,

7 Donald.

8 Q. I'm not asking you for all of them. I

9 asked you if you do any work for the

10 Alabama Power Company. I believe we are

11 entitled to know that.

12 MR. PECK: Let me just instruct

13 you. If disclosure would

14 affect the proprietary

15 business situation of your

16 client, you can take that up

17 with the Court and you can

18 brief me on it, and we can

19 deal with that.

20 MR. STEWART: I'm not asking for

21 any proprietary information,

22 Mr. Peck. All I'm asking is

23 if he does work presently for

REGIONAL REPORTING SERVICE, INC.

186

1 the Alabama Power Company.

2 A. I do represent the power company.

3 Q. Now, you have indicated that

4 Mr. Mollenkamp indicated he was in
5 Anniston. Did he tell you the nature of
6 his visit there or how he learned about
7 anything?

8 A. No. As I said, all he said was he may
9 be interested in doing a story involving
10 Solutia.

11 Q. Did you later learn what the nature of
12 that story was from Mr. Mollenkamp?

13 A. Generally.

14 Q. When was that that he told you about
15 that?

16 A. Late spring, early summer of '98.

17 Q. And what did he tell you?

18 A. That he was -- I think most of those are
19 contained in this exhibit. Actually I
20 didn't -- He didn't tell me specifically
21 exactly what he was interested in. I
22 believe subsequently we had at least one
23 conversation with him trying to learn

REGIONAL REPORTING SERVICE, INC.

187

1 what he wanted. So we had one telephone
2 conversation, I think Kevin Cahill and

3 Mollenkamp and I.

4 Q. And what was the substance of that
5 conversation? What did he say to you,
6 and what did you say to him?

7 A. I don't recall exactly. We had trouble
8 getting the parties hooked up. I was --
9 I think I was on vacation, and everybody
10 had trouble hooking up. He was supposed
11 to call at a certain time, and he
12 didn't. Generally he was interested in
13 the remediation effort around the
14 facility.

15 Q. Had to do with PCBs?

16 A. I don't know that he mentioned PCBs. My
17 recollection, he was very interested in
18 the extent to which the company had gone
19 in the remediation efforts. That is my
20 recollection of what he told me
21 initially.

22 Q. Well, it appears -- This is June 16th,
23 1998, the letter he wrote to Mr. Cahill.

REGIONAL REPORTING SERVICE, INC.

188

1 Was that after that conversation he had

2 with you and Mr. Cahill?

3 A. I think it was.

4 Q. It appears that PCBs are the subject of

5 that article. It talks about Aroclors

6 -- but you understand of course that is

7 PCBs -- health hazards, toxicity of the

8 Aroclors.

9 MR. PECK: He is having reference

10 to Aroclors there.

11 Q. Do you understand that to be PCBs?

12 A. I don't have any understanding of any of

13 the technical issues involving any of

14 these questions. All I did was act as a

15 facilitator.

16 Q. You were acting as a facilitator for

17 Mr. Mollenkamp to get there?

18 A. Right.

19 Q. Did you learn at some time that Aroclors

20 do designate or are a term that was used

21 by Monsanto to mean --

22 A. I don't have any idea.

23 Q. Is it your statement here today that you

REGIONAL REPORTING SERVICE, INC.

1 didn't have any idea at the time that he
2 was talking about the remediation that
3 it dealt with PCBs?

4 MR. PECK: What time?

5 MR. STEWART: During the meeting.

6 MR. PECK: During the meeting?

7 MR. STEWART: Yes.

8 MR. PECK: Well, you have talked
9 and a phone call and three or
10 four discussions. It could
11 be confusing.

12 Q. I'm talking about the meeting.

13 A. The meeting at the plant?

14 Q. Right.

15 A. I will have to go back and look at
16 exactly when that meeting took place.
17 He indicates it is Monday, I see in this
18 letter.

19 Q. It would be after June 16th?

20 A. So it would be prior to that, and I was
21 generally aware that obviously the
22 remediation efforts surrounding the
23 plant encompassed PCB issues,

REGIONAL REPORTING SERVICE, INC.

1 environmental issues.

2 Q. So you did understand at the time y'all

3 sat down and y'all met at the plant site

4 that PCB and toxicity and health hazards

5 were a part of what y'all were going to

6 be talking about?

7 A. I knew he had a number of questions

8 related to that issue.

9 Q. You were telling us, Mr. Bradley, that

10 y'all had a meeting before that time.

11 Who all was in that meeting prior to the

12 time he came to the plant site? Were

13 y'all at the plant site?

14 A. I think it was by telephone.

15 Q. Who all was involved in that telephone

16 conversation?

17 A. You know, again, I didn't participate in

18 any meeting concerning the specific

19 answers to those questions.

20 Q. I'm talking about you indicated y'all

21 had some kind of preparatory telephone

22 conversation --

23 A. I think that had to do -- Again, it was

REGIONAL REPORTING SERVICE, INC.

1 very difficult for Mr. Mollenkamp to
2 tell us specifically what he wanted to
3 know.

4 Q. Who all was involved in the conversation
5 is all I asked.

6 A. I think Kevin Cahill, myself, Bob Kaley,
7 and I don't recall if anybody else was
8 involved. And I don't know -- I don't
9 know specifically if it was one or more
10 of them. But the gist of my involvement
11 in them was trying to help get to a
12 point where they knew what he wanted.

13 Q. What did Mr. Kaley say during that
14 conversation?

15 A. Mr. Cahill?

16 Q. No, Mr. Kaley. You said he was
17 involved.

18 A. It was nothing about the technical
19 issues. He was trying to get prepared
20 to answer the questions, and we were
21 trying to get Mollenkamp to tell us what
22 he wanted answered.

23 Q. So you hadn't gotten this letter at the

REGIONAL REPORTING SERVICE, INC.

1 time those telephone conversations took

2 place in June of '98?

3 A. I don't know. I just don't remember.

4 Q. And what did Mr. Cahill say during that

5 telephone conversation?

6 A. I don't know.

7 Q. Was there a concern expressed by

8 Mr. Cahill or anybody else at Solutia at

9 that point about a story getting into

10 The Wall Street Journal?

11 A. Well, I know that they wanted to be sure

12 that if a story ran that the company had

13 an adequate opportunity to respond to

14 questions.

15 Q. And in the responses to the questions

16 that were given, was that in that

17 meeting at the plant?

18 A. Yes.

19 Q. Do you recall generally -- and then I'll

20 ask you about specifics -- what

21 Mr. Kaley said in summary about

22 remediation or the toxicity of PCBs or

23 the effects on human health?

1 A. No, I don't other than I guess the gist
2 of it would be that he tried his best to
3 respond to each of those questions.
4 Mr. Mollenkamp would produce a document.
5 Mr. Kaley would try to respond to that
6 or he would ask a question. I don't
7 have any idea what those documents were.
8 My recollection is they just tried to
9 answer each question.

10 Q. Well, these appear to be historical
11 documents and indicate early on
12 recognition of the problem of PCBs by
13 Monsanto, which is a predecessor
14 corporation of Solutia or from which
15 Solutia spun off. Do you not remember
16 anything that Dr. Kaley said in response
17 to those documents?

18 A. No.

19 MR. PECK: Object to the form.

20 A. No, I don't.

21 Q. What about Mr. Faust? He was there
22 apparently for remediation. What did he
23 tell Mr. Mollenkamp?

1 A. I don't remember.

2 Q. Do you remember what Mr. Peck said to

3 Mr. Mollenkamp?

4 A. No.

5 Q. So it is your testimony here today that

6 you don't remember one single solitary

7 thing that anyone --

8 A. I don't remember specifics.

9 Q. Do you remember any generalities?

10 A. Those were very technical questions

11 really and very technical answers, and I

12 just don't remember them. I did not

13 make any notes. I have little interest

14 in that, frankly, and I just don't

15 recall.

16 Q. Was the conversation recorded?

17 A. I don't recall.

18 Q. Could it have been?

19 A. Sure, possibly.

20 Q. By whom?

21 A. I don't know.

22 Q. By Mr. Mollenkamp?

23 A. Possibly.

REGIONAL REPORTING SERVICE, INC.

195

1 Q. Did someone from Monsanto record that?

2 A. I don't recall.

3 MR. PECK: So we don't have to

4 deal with that, I can tell

5 you no one from Monsanto

6 recorded that, or Solutia.

7 Q. Mr. Bradley, have you told us all you

8 recall about that meeting?

9 A. Basically, yeah.

10 Q. Did you have any later conversations

11 with Mr. Mollenkamp?

12 A. I did.

13 Q. When?

14 A. Oh, subsequent to that. He had some

15 other questions, some follow-up

16 questions, and I think he mentioned at

17 that meeting that he would like to go

18 back and he would probably have some

19 follow-up questions. And we encouraged

20 him to let us know what those were, and

21 then he sent those -- He either -- I

22 don't know whether he sent them or not,
23 but we had a second meeting to try --

REGIONAL REPORTING SERVICE, INC.

196

1 Q. Was that in Atlanta at the airport?
2 A. Yes.
3 Q. Were the people who were present at that
4 meeting you and Michael Kelly, Robert
5 Kaley, Thomas Bistline, and Kevin
6 Cahill?
7 A. Bistline was not present.
8 Q. Who else was there?
9 A. Mr. Peck, myself, Kevin Cahill, Kaley,
10 and Carrick Mollenkamp as I recall.
11 Q. That is all that was present at that
12 meeting?
13 A. As I recall.
14 Q. What was said at that meeting by those
15 people?
16 A. I couldn't tell you specifically. There
17 were follow-up questions that Mollenkamp
18 had, again very similar to the first
19 meeting. "Here is a document. Doesn't
20 this say this? What is your response?"

21 Q. Did you have any other conversations
22 with Mr. Mollenkamp?
23 A. Yes. I have had a number of

REGIONAL REPORTING SERVICE, INC.

197

1 conversations with him, not necessarily
2 about Solutia.
3 Q. Have you had any other conversations
4 with him since that June, I believe, 28
5 meeting in 1998 about --
6 A. I think he --
7 Q. -- the article or --
8 A. Yeah, he requested a map of the facility
9 or --
10 Q. Did he request that through you?
11 A. Yes. And Bob Kaley either sent it
12 directly to him or sent it to me and I
13 sent it to him.
14 Q. Did you understand that to be a map of
15 the facility?
16 A. It was a map or maps of the facility and
17 the surrounding area.
18 Q. And what was on the map if you recall?
19 A. I don't recall.

20 Q. Do you recall generally what was said by
21 the people who were there about PCBs to
22 Mr. Mollenkamp?
23 A. No, I don't.

REGIONAL REPORTING SERVICE, INC.

198

1 Q. What other conversations have you had --
2 when you said he requested a map, have
3 you had any other conversations with him
4 about the article?
5 A. I think after those initial two
6 meetings, supplying the maps, I don't
7 recall that there was -- I don't recall
8 anything else on that specific story. I
9 did ask him, would ask him occasionally
10 if the story was going to appear. And
11 it was delayed and delayed and at this
12 point has not appeared.
13 Q. Why is it that you understand from your
14 conversations that the story has not
15 appeared?
16 A. He didn't share that with me. I have no
17 idea.
18 Q. What information do you recall gaining

19 from Kaley, Cahill, or Mr. Peck about
20 anything that he had asked? I mean, you
21 don't remember? Is that your testimony
22 here today?
23 A. I just -- Strange as it may seem to you,

REGIONAL REPORTING SERVICE, INC.

199

1 this technical stuff like that, I don't
2 have a lot of interest in. I remember
3 listening to it. I know that Bob and
4 others felt very strongly that the
5 scientific body of evidence indicated
6 there was no harmful effect to human
7 health and that generally that was the
8 response. There were a number of
9 specific questions about very technical
10 matters that I couldn't give you a clue
11 about.
12 Q. When did -- How did they respond, if you
13 recall, to his question of when did
14 Monsanto learn of the potential health
15 hazards of PCBs? How did they respond
16 to that question?
17 MR. PECK: Object to the form.

18 A. I don't recall.

19 Q. What is your understanding of when they
20 understood that there were some
21 potential health hazards and health
22 effects of PCBs?

23 MR. PECK: Object to the form, no

REGIONAL REPORTING SERVICE, INC.

200

1 foundation.

2 A. I couldn't answer that question.

3 Q. What have you been told by Monsanto or
4 Solutia about the health effects of
5 PCBs?

6 A. Basically the gist is what I just told
7 you, that the scientific -- the body of
8 scientific evidence, the weight of that
9 evidence leads them to believe that
10 there is no detrimental effect to human
11 health.

12 Q. What have you been told about those same
13 people -- by the same people, Solutia or
14 Monsanto people, Bob Kaley or Alan Faust
15 or Blake Hamilton or any of them,
16 regarding the characteristics or

17 properties of PCBs?
18 A. We haven't discussed that.
19 Q. What information have you been provided
20 by those same people, Monsanto or
21 Solutia employees, about how EPA
22 classifies PCBs in terms of
23 carcinogenicity?

REGIONAL REPORTING SERVICE, INC.

201

1 A. To my recollection, we haven't discussed
2 that.
3 Q. What is your understanding about why the
4 remediation is going on in that area
5 around the Anniston plant? What
6 understanding do you have of that, and
7 who gave you that understanding?
8 A. I can't tell you who specifically. It
9 is just generically those associated
10 with the facility and the remediation
11 effort. I think they felt honestly that
12 while they didn't feel, as I said, the
13 scientific evidence would suggest any
14 long-term effects on human health, that
15 there was -- there were nevertheless

16 concerns in the community about PCBs and
17 that the remediation effort was
18 undertaken to address those concerns.

19 Q. Who told you that?

20 A. I don't know. I can't tell you, as I
21 said.

22 Q. Did Mr. Faust tell you that or Mr. Kaley
23 tell you that?

REGIONAL REPORTING SERVICE, INC.

202

1 MR. PECK: Object to the form.

2 A. I've tried to answer that question.

3 Q. So were you ever told how much they were
4 spending on those remediation efforts?

5 A. I may have been, but I don't recall the
6 amount. I know that it was a
7 considerable investment.

8 Q. So it is the millions of dollars,
9 wouldn't it be, Mr. --

10 A. That was my recollection.

11 Q. And you are aware, are you not, in your
12 position as the public affairs person
13 that they have recently settled a
14 dispute about -- or a lawsuit about PCB

15 contamination of Lake Logan Martin, are
16 you not?
17 A. I am aware of that.
18 Q. What part did you play in that
19 particular matter, anything?
20 A. None.
21 Q. Did you ever prepare a press release
22 that had something to do with the
23 settlement?

REGIONAL REPORTING SERVICE, INC.

203

1 A. No.
2 Q. Did you ever go to any hearings?
3 A. No.
4 Q. Did you ever participate in any jury
5 consulting work in connection with that?
6 A. No, I did not.
7 MR. PECK: If he had, I wouldn't
8 let him go into it, but he
9 hasn't.
10 THE WITNESS: I'm sorry.
11 Q. Did you -- Do you have an understanding
12 of why they settled for some forty-four
13 million dollars, roughly, that

14 particular dispute?

15 A. I read about it in the newspaper.

16 Q. Is it your understanding that they did

17 that because they were concerned about

18 community concerns that had been

19 expressed about PCBs?

20 MR. PECK: Object to the form, no

21 foundation.

22 A. You know, I don't have any -- That would

23 be speculation. I don't --

REGIONAL REPORTING SERVICE, INC.

204

1 Q. Did they ever talk to you about that in

2 your position as the public relations

3 person or public affairs person for the

4 Anniston plant?

5 A. No.

6 Q. So it is my understanding then from your

7 statements here today that they never

8 told you that we are settling a case for

9 forty-four million dollars over here on

10 the lake and since you are the public

11 affairs man we might need your help?

12 MR. PECK: I have to know the

13 answer to that question
14 before I can let him answer.
15 I mean, if his answer is one
16 thing I will let him answer,
17 but if it is another, I think
18 it would be protected.
19 (A break was taken.)
20 MR. STEWART: Put on the record
21 that they had a conference.
22 How long was that, about ten
23 minutes?

REGIONAL REPORTING SERVICE, INC.

205

1 Q. Is it your statement that you don't know
2 anything about that particular matter on
3 the lake?
4 A. I was not consulted on that.
5 Q. Were you ever given any understanding as
6 to why Monsanto or Solutia acquired land
7 surrounding that facility up there? Did
8 anybody ever talk to you about that?
9 A. No, other than it was part of the
10 remediation effort.
11 Q. Did anyone ever tell you -- Who told you

12 that?

13 A. Oh, probably -- Well, you know,

14 speculation again. I don't recall

15 exactly. It was in the initial visit to

16 the plant.

17 Q. Would that have been Alan Faust?

18 A. Well, if you are asking me for

19 specifics, I can't tell you.

20 Q. Did they tell you -- Whoever it was,

21 this mystery person, did they ever tell

22 you how they determined which properties

23 to purchase?

REGIONAL REPORTING SERVICE, INC.

206

1 A. No.

2 Q. While conversations were going on

3 between Mr. Mollenkamp -- let me go back

4 to this -- did the issue of

5 falsification of tests run by IBT come

6 up at the meeting?

7 MR. PECK: Object to the form.

8 A. I don't recall.

9 Q. Were you ever told anything about

10 testing that was performed for Monsanto

11 by IBT in connection with PCBs?

12 MR. PECK: Object to the form.

13 A. I just -- I don't -- I don't recall.

14 Q. Now, you indicated early on that you had

15 contact with Beth Rusert and Christine

16 Beckmann and Kevin Cahill. Did you ever

17 talk to anybody other than those people?

18 Did you ever talk to a Diane Herndon

19 with Solutia?

20 MR. PECK: Monsanto, I think.

21 MR. STEWART: Monsanto.

22 Q. Did you ever talk to her?

23 A. No. Is she with Monsanto?

REGIONAL REPORTING SERVICE, INC.

207

1 Q. Yes.

2 A. No, I don't think so.

3 Q. And you have told us about your visits

4 to the Anniston plant and conversations

5 I believe you had with Blake Hamilton or

6 Alan Faust. Have you told us all of

7 those conversations you ever had with

8 those people?

9 A. Probably not because you haven't asked

10 me, I don't think.

11 Q. Well, I don't think I had, and I want to

12 make sure that we covered those. Did

13 you talk with them -- You mentioned the

14 article with The Wall Street Journal.

15 Did you talk with them about this

16 Solutia educational initiative?

17 A. Yes.

18 Q. Who all did you talk to about that at

19 the plant?

20 A. Principally Blake Hamilton. I think

21 Alan may have been there, but it was

22 principally Blake.

23 Q. Alan Faust?

REGIONAL REPORTING SERVICE, INC.

208

1 A. Uh-huh (indicating yes).

2 Q. And what was the substance of those

3 conversations? First how many did you

4 have, and what was the substance of

5 them?

6 A. A number of them. Oh, probably a dozen

7 or more.

8 Q. A dozen or more conversations?

9 A. That would be my guess.

10 Q. When did those start?

11 A. Probably late '98, December or so,

12 January of '99.

13 Q. What did you understand from those first

14 conversations -- was that with

15 Mr. Hamilton? What did you understand

16 the purpose of this program was?

17 A. Are you talking about the education

18 program?

19 Q. Right.

20 A. The education program, to be sure the

21 time frame is right, I had a discussion

22 with Blake during that early time frame

23 generally, as I have said earlier, about

REGIONAL REPORTING SERVICE, INC.

209

1 those three areas we were looking into,

2 education, environmental issues, rural

3 health issues.

4 Q. Those were the initiatives or areas you

5 had suggested they get involved in?

6 A. Well, that they look into. Now, the

7 education part of that was only decided

8 later in '99. And my specific
9 discussions with Blake about the program
10 would have come after that, which would
11 have been February probably.
12 Q. February of '99?
13 A. I think.
14 Q. So you are saying that your initial
15 recommendations were made sometime in
16 '98, but the program was finally --
17 A. No. We started looking into it in some
18 depth in late '98, early '99. And I
19 think this was a joint consensus
20 decision that the educational initiative
21 offered some possibilities. And that
22 would probably have been in late January
23 or early February of 1999 when education

REGIONAL REPORTING SERVICE, INC.

210

1 was --
2 Q. -- settled on?
3 A. Right.
4 Q. You made the recommendation, though,
5 early in '98 about what y'all thought
6 about the community affairs program?

7 A. No, not --
8 Q. When was that made?
9 A. We really -- We never really completed
10 that assessment --
11 Q. I'm not talking about the community
12 assessment. Maybe I misspoke when I
13 labeled it. The community affairs
14 recommendation that y'all made came in
15 early '98, or is that --
16 A. We started looking into those three
17 areas in late '98, early '99.
18 Q. How did you arrive or when did you
19 arrive at the decision that y'all should
20 look into those areas?
21 A. Well, we were asked to come back with,
22 initially, the three -- well, we didn't
23 say three, but areas that this company

REGIONAL REPORTING SERVICE, INC.

211

1 needed to consider.
2 Q. Who asked you that?
3 A. Kevin Cahill. And --
4 Q. Was that in documents you have given to
5 us?

6 A. I think so. You will see the various
7 memoranda that we sent. And we came
8 back and did some work over late '98,
9 early '99 and said basically here is --
10 here are three areas and here are a
11 whole bunch of programs in each of those
12 areas.

13 Q. All right. You said you finally settled
14 on that, education as one of those, and
15 you talked to Mr. Hamilton about that.
16 Other than Mr. Hamilton, did you talk to
17 anybody else when y'all settled on
18 education? Was he the primary one?

19 A. Yeah. He was certainly a very important
20 part of that because he was the local
21 plant manager there. I also talked to
22 Kevin Cahill, talked with Christy
23 Beckmann --

REGIONAL REPORTING SERVICE, INC.

212

1 Q. Who else?

2 A. -- on that. That would principally be
3 it, substantive discussions about the
4 program.

5 Q. Would it be fair to say that that
6 decision was made basically as a public
7 relations thing?
8 A. Well, I think it would be fair to say it
9 was community relations.
10 Q. Community relations. And that decision
11 was made by those three people, checking
12 of course with whoever they decided on?
13 MR. PECK: Object to the form.
14 A. I don't know who they checked with.
15 Q. Is Solutia and Alabama Technology
16 Program, is that what you mean by the
17 education program, or is that something
18 different?
19 A. Solutia Education Connection.
20 Q. Solutia Education Connection.
21 A. You have that.
22 MR. PECK: You have that document.
23 Q. But does it have to do with computers?

REGIONAL REPORTING SERVICE, INC.

213

1 A. Yes.
2 Q. And making contribution to computers?
3 A. That was part of it. It had to do with

4 our research, our contact, discussions
5 with local educators, with the state
6 department.
7 Q. That you previously talked about?
8 A. Right. And we came back and said that
9 uniformly what they are telling us is
10 they are getting left behind and their
11 kids are getting left behind in
12 proficiency with computers, and if they
13 have additional funds, they have to fix
14 roofs and have to buy supplies. And
15 they wouldn't ordinarily go out and
16 spend twelve hundred dollars for a
17 computer and software, and we kept
18 getting that back from everyone. And
19 Blake Hamilton at the same time was
20 getting that same kind of feedback from
21 people he was talking to. And Solutia
22 had already made some technology
23 donations locally. We felt that was a

REGIONAL REPORTING SERVICE, INC.

214

1 need that could be addressed.
2 Q. Now, is it my understanding from your

3 previous testimony and from testimony
4 you have given a few minutes ago that
5 this had nothing to do with PCBs or the
6 litigation that was ongoing around the
7 Anniston plant?

8 A. It did not as far as I was concerned.

9 Q. I understand as far as you are
10 concerned. But was that concern
11 expressed at any point in time by the
12 people who you had contact with, Kevin
13 Cahill, Blake Hamilton from Solutia?

14 A. This program was not a PCB spin program.

15 This was a community relations program
16 to identify a need in the community.

17 You know the conditions of the Anniston
18 area schools and other schools in rural
19 communities. It was a need that Solutia
20 felt had been identified that it could
21 reasonably help in.

22 Q. Tell me if you would what conversations
23 you had -- at the same time you were

REGIONAL REPORTING SERVICE, INC.

215

1 talking to Mr. Hamilton and everyone

2 about this thing, that you had with Adam
3 Peck or anybody from Lightfoot Franklin
4 about this particular proposal.

5 MR. PECK: Well, there is at least
6 one document on the privilege
7 log which has been protected,
8 and I don't think you are
9 entitled to go into the
10 subject of that conversation.

11 MR. STEWART: I believe he just
12 said it had nothing
13 whatsoever to do with
14 litigation.

15 Q. I'm just asking you if you had
16 conversation with the lawyers.

17 MR. PECK: No.

18 Q. Let me just say, Mr. Bradley, I don't
19 want you to share with us what has been
20 kept from us. Let me just ask you
21 first, did you have conversation with
22 the lawyers about this program?

23 MR. PECK: You can answer that

REGIONAL REPORTING SERVICE, INC.

1 question without disclosing
2 the contents of any
3 communications.

4 A. Yes.

5 Q. Why would you have conversation with
6 lawyers, Mr. Bradley, if this didn't
7 have anything to do with the PCB
8 program? Can you tell me that without
9 disclosing what conversation you had?

10 MR. PECK: I don't think he can.

11 I really don't.

12 MR. STEWART: Are you instructing
13 him not to answer that?

14 MR. PECK: This is very much the
15 subject of an issue that was
16 dealt with yesterday. It is
17 right on point. The judge
18 ruled you couldn't go into
19 this area. And yes, I am.

20 And I can't -- I mean, Don,
21 it is one of those situations
22 where I can't tell you why
23 without disclosing the

REGIONAL REPORTING SERVICE, INC.

1 content of the documents.

2 MR. STEWART: Let me have this

3 marked Plaintiffs' Exhibit

4 Seven.

5 (Plaintiffs' Exhibit Number

6 Seven was marked for

7 identification.)

8 Q. Let me show you Plaintiffs' Exhibit

9 Seven and ask you to tell me if you can

10 what attorney is referred to in that

11 document up there.

12 A. No, I can't.

13 Q. Do you know whether that is outside

14 counsel or inside counsel, have any

15 idea?

16 A. It's not my document. I don't know.

17 Q. That is a document, though, that you

18 were provided, were you not, by someone

19 from Solutia?

20 A. Yes.

21 Q. Who?

22 A. I don't know.

23 Q. Who is the name listed over on the

REGIONAL REPORTING SERVICE, INC.

1 right?

2 A. Oh, Kevin Cahill, I'm sorry. I was

3 looking at the fax number.

4 Q. I understand. There is another name

5 over there, Mr. Bradley. What name is

6 that?

7 A. Are you talking about mine? I don't see

8 another name.

9 MR. PECK: Kevin Cahill, Steve

10 Bradley, and Solutia. Is

11 your name --

12 Q. Oh, I just couldn't read that. I'm

13 sorry. I thought it was Barzanni or

14 something.

15 A. It's not written very well, but it is

16 me.

17 Q. Okay. Could I have that document back

18 just a minute? This appears to be the

19 fact document that you have previously

20 provided to us, and I guess from looking

21 at it that I saw something on here that

22 didn't appear to be on the document that

23 you had previously provided to me.

REGIONAL REPORTING SERVICE, INC.

1 Maybe I'm missing something.

2 MR. PECK: What are you saying?

3 MR. STEWART: Well, I have to get

4 my copy of the document that

5 he had previously shown to

6 me. I'm having trouble -- I

7 thought I was real well

8 organized, but I'm having

9 trouble finding it.

10 (Discussion held off record.)

11 A. You are looking for the news releases, I

12 think?

13 Q. No.

14 A. Are you looking for another version of

15 that?

16 Q. Yes.

17 A. That will be with the news releases.

18 MR. PECK: That is what we talked

19 about earlier. That is a

20 draft.

21 MR. STEWART: Well, I had those

22 laid out here. So I have

23 those, I think.

1 MR. PECK: I can make a copy.

2 MR. STEWART: I have that. I

3 mean, that's fine.

4 MR. PECK: Do you want me to make

5 a copy for you?

6 MR. STEWART: No. I have it right

7 here. If what he says is

8 correct, I have it.

9 A. I'm just saying what we are looking for

10 should be with that.

11 MR. PECK: What he is trying to

12 tell you is that is a draft.

13 MR. STEWART: Can you give me a

14 copy of that?

15 MR. PECK: Sure.

16 MR. STEWART: Mark that.

17 (Plaintiffs' Exhibit Number

18 Eight was marked for

19 identification.)

20 Q. This is Exhibit Number Eight and

21 Plaintiffs' Exhibit Number Seven. And I

22 would ask you to tell me if Seven is the

23 first draft of the document.

1 A. I don't know if it is the first. It was
2 an earlier draft.

3 Q. And there are some notes here that are
4 not on the final document. Who prepared
5 the draft?

6 A. I do not know.

7 Q. That document Number Seven indicates it
8 was prepared -- Do you think maybe
9 Mr. Cahill prepared it?

10 A. I don't know. It was sent to me by him,
11 but I'd be speculating.

12 Q. Do you know why the notes were left off
13 here? Is that just notes where they
14 were questions y'all were asking?

15 A. I don't know. The notes were just on
16 there when I got it.

17 Q. Let me point out one to you. It is the
18 fourth note down. Was there some
19 determination -- Just read that, and I
20 want to ask you a question about it.

21 A. Okay.

22 Q. Is there some idea on your part or was

23 it your suggestion just to phase it in

REGIONAL REPORTING SERVICE, INC.

222

1 and spend money first in Anniston?

2 A. I think that earlier we did in one of

3 the drafts, one of the earlier working

4 documents where we had suggested that

5 for consideration.

6 Q. Spend money in Anniston?

7 A. Number one this was a statewide program,

8 but that it might be phased in, that it

9 definitely needed to be statewide, but

10 it could -- one alternative would be to

11 address the Anniston area first and then

12 to phase it in in other areas.

13 Q. Okay.

14 A. But we subsequently recommended very

15 strongly that it be a statewide program.

16 Q. Why is that?

17 A. Because Solutia operates in three

18 different places in the state and it was

19 important that it be a statewide program

20 and not just Anniston.

21 Q. It is my understanding of course that --

- 22 Anniston received how much?
- 23 A. I don't know ultimately what Anniston

REGIONAL REPORTING SERVICE, INC.

223

- 1 will receive, that will depend on
- 2 requests from educators in each area.
- 3 Q. There was a statement in this draft that
- 4 there would be some two hundred and
- 5 fifty a year, and a hundred and fifty
- 6 thousand was for the Anniston area and
- 7 fifty K to Decatur and Foley.
- 8 A. No. That's the draft. I think you will
- 9 see also in some other documents that
- 10 based on the expanded area around each
- 11 of the three facilities, based on the
- 12 number of schools -- the final budgeted
- 13 range really depended on the counties,
- 14 the number of schools, a strict
- 15 multiplier times a twelve hundred dollar
- 16 figure, which is our estimate on the
- 17 basic cost of a computer. And whatever
- 18 that produced is what it produced.
- 19 Q. So you are saying that these figures of
- 20 a hundred and fifty K to Anniston

21 changed?
22 A. I don't know what the final numbers are,
23 but, yes, I think that all changed.

REGIONAL REPORTING SERVICE, INC.

224

1 Q. Who made the recommendation that that
2 change?

3 A. I don't know. I know that we along
4 with, I think, others felt it should be,
5 again, a statewide program.

6 Q. Who felt it shouldn't?

7 A. I don't think anybody felt it shouldn't.
8 This is just a work in progress.

9 Q. Apparently there was at some point in
10 time someone who felt like -- And I'm
11 guessing it was either Mr. Cahill or
12 whoever prepared this --

13 A. I think that we may have suggested
14 earlier, because we were mindful of
15 budget considerations, that it be phased
16 in over a period of time. But I think
17 the company felt --

18 Q. Solutia?

19 A. Solutia. And we certainly recommended

20 that it be a statewide program and done
21 at once. And again, if you will look at
22 some of the material that you have, you
23 will see that it is a strict multiplier

REGIONAL REPORTING SERVICE, INC.

225

1 based on the counties selected and the
2 schools in those areas.

3 MR. PECK: I put my document on
4 the table just so you could
5 have them, but that is from
6 my pile. Can I take that
7 back?

8 MR. STEWART: Sure.

9 Q. So the education program that you
10 finally came up with is this Solutia
11 Alabama Technology in the Classroom
12 program?

13 A. Solutia Education Connection, a
14 technology partnership with Alabama
15 schools.

16 Q. Nothing else? There is nothing else
17 that is involved in that program other
18 than what you have already related to

19 us, placement of computers?
20 A. It is computers, but there is also -- It
21 is also open to -- computers are a key
22 component of it. But it is also open to
23 educators coming back with requests for

REGIONAL REPORTING SERVICE, INC.

226

1 other technological assistance. It is
2 not totally limited to computers. It
3 could include at some point a science
4 lab or --
5 Q. By the way, what is your hourly rate?
6 A. My hourly rate?
7 Q. Yes.
8 A. We do most of our work on a monthly fee
9 basis.
10 Q. So you don't have an hourly rate?
11 A. Yes, we do have an hourly rate. Mind is
12 a hundred and seventy-five dollars per
13 hour.
14 Q. Talking about budgets, do you know what
15 the budget is for the public relations
16 efforts at Solutia?
17 A. Total?

18 Q. Yes.

19 A. No.

20 Q. Do you have any idea about what it is

21 for Alabama?

22 A. No.

23 Q. Do you know what it is for the Anniston

REGIONAL REPORTING SERVICE, INC.

227

1 area?

2 A. I don't have any knowledge of that.

3 Q. Are you aware of the budget that you are

4 given to put together this community

5 affairs program?

6 A. I think that generally the budget will

7 be -- Again, you have documentation

8 there that takes the three areas, looks

9 at the total number of schools,

10 multiplies that times the twelve hundred

11 dollar figure, and that gives you a

12 rough idea. But again, that is open and

13 subject to the requests that come back

14 from the institutions and other requests

15 that might be made. So I think my

16 direction from Solutia was to identify

17 areas that might with considered, to
18 recommend one or more of those areas and
19 then to see if the three facilities --
20 what that might cost. And if it was a
21 reasonable, doable number, then Solutia
22 might consider that.
23 Obviously -- and I don't know what

REGIONAL REPORTING SERVICE, INC.

228

1 that point might be where the cost would
2 be prohibitive. But it is driven by --
3 And I want you to understand, it is
4 driven by the determination of the
5 counties surrounding each facility and
6 how many schools are in those counties.
7 Q. So the way y'all selected those counties
8 is they just had to be counties around
9 the facility?
10 A. Well, there are counties around each
11 facility. In Foley's case it is Baldwin
12 county because that is such a large land
13 mass county. In others, there are
14 counties immediately around the facility
15 where workers come from, where they

16 live, where their families live.

17 Q. Is that how y'all happened to settle on

18 St. Clair, Talladega, and Calhoun County

19 around the Anniston plant?

20 A. That was one of the criteria, yes.

21 MR. PECK: Cleburne was included

22 too.

23 Q. Was Cleburne included too?

REGIONAL REPORTING SERVICE, INC.

229

1 A. Yes. Cleburne was included too.

2 Q. Tell me if you would, Mr. Bradley, why

3 those counties were chosen around the

4 Anniston plant, because the workers came

5 from there?

6 A. Well, that was one reason, and also

7 those counties were where some of the

8 community relations programs would be

9 implemented. And it is where the

10 relationships to make those programs

11 successful would have to be developed.

12 And community relations is really all

13 about relationships. So those areas

14 were identified.

15 Q. St. Clair, Talladega, Cleburne, and
16 Calhoun?
17 A. Yes.
18 Q. And the particular reason for Cleburne
19 County?
20 A. That was added because I believe there
21 were several employees and families
22 living in Cleburne County.
23 Q. And the program in Decatur, where does

REGIONAL REPORTING SERVICE, INC.

230

1 that apply, just Morgan?
2 A. No. It is Morgan, Limestone, and
3 Lawrence counties.
4 Q. Now, this program had not existed
5 before; is that correct?
6 A. That's correct.
7 Q. And the changes that were made are
8 pretty well reflected in the documents
9 that you -- It was first suggested as a
10 program for Anniston first and then to
11 be phased in? Were those the basic
12 changes?
13 A. That was an alternative. Another

14 alternative that was ultimately selected
15 was to implement at one time statewide.
16 Q. Who are CAP members?
17 A. Oh, that's -- Well, I was going to say
18 -- I'm not really sure. I'd hate to
19 guess and be wrong.
20 MR. PECK: If you know.
21 A. I really --
22 Q. Could you find out for me and let me
23 know?

REGIONAL REPORTING SERVICE, INC.

231

1 A. Yeah.
2 MR. PECK: If you want me -- It is
3 community advisory panel.
4 Q. Do you have a community advisory panel
5 in the Anniston area?
6 A. No.
7 Q. Did y'all ever put one together at all?
8 A. Not at that point.
9 Q. Do you plan to?
10 A. I don't know what the plans are.
11 Q. Were any elected officials involved in
12 Anniston in particular in putting this

13 together?

14 A. In the program, the education program?

15 Q. Yes.

16 A. Blake I believe had consulted with

17 Barbara Boyd, but not necessarily as an

18 elected official but as a community

19 leader, also with Dave Thomas.

20 Q. Who the Dave Thomas?

21 A. He is a House member from St. Clair

22 County. He was very interested in

23 educational issues and who Blake had

REGIONAL REPORTING SERVICE, INC.

232

1 visited with in the community there.

2 Q. Tell me if you would who is the author

3 of -- If you will look at the note on

4 Plaintiffs' Seven, who is the author of

5 that sentence or phrase there, ability

6 to creditably call it a statewide

7 program? It says ability to have prompt

8 impact in all areas around Anniston and

9 ability to creditably call it a

10 statewide program.

11 A. I don't know.

12 Q. Do you know what that means or have any
13 idea what that means?
14 A. No.
15 Q. Have you told us -- Am I to understand
16 now that this is the sum and substance
17 of the community relations program and
18 what you have done for Monsanto, or are
19 there other things you have done?
20 A. No. This is basically the program to
21 this point.
22 Q. Now, do you ever have -- have you ever
23 had any conversations with a Jonathan

REGIONAL REPORTING SERVICE, INC.

233

1 Lifland?
2 A. I have had some very brief conversations
3 with Jonathan.
4 Q. When did you have those conversations
5 with Mr. Lifland?
6 A. I saw him at a court hearing, jury
7 selection hearing, and just introduced
8 myself. I had talked to him on the
9 phone, not in regard to Solutia.
10 Q. Did you ever talk to him about an

11 article that he put in the paper in
12 connection with Monsanto and --
13 A. Solutia.
14 Q. -- Solutia and the PCB problem?
15 A. I don't believe I have ever either
16 answered a media inquiry from
17 Mr. Lifland or participated in one.
18 Q. What do you know about any contact that
19 was made by public relations people with
20 Mr. Lifland about an article he wrote
21 recently about PCBs?
22 A. I know that contact was made, and I
23 think that Kevin Cahill had gotten in

REGIONAL REPORTING SERVICE, INC.

234

1 touch with him, and I think they had a
2 subsequent conversation at the plant.
3 Q. What was the nature of that contact?
4 A. I don't know. I was not there.
5 Q. Do you know if any documents were given
6 to him in connection with that?
7 A. No, I don't.
8 Q. Have you ever had any contact with a
9 Dr. Kimbrough, Renee Kimbrough?

10 MR. PECK: Renate.
11 A. Who is she with?
12 Q. She is an expert that has been hired by
13 Monsanto in this case.
14 A. I don't think so.
15 Q. Have you ever had any contacts with
16 Brian Hughes?
17 A. I don't think so.
18 Q. Have you ever had any contact with
19 Elizabeth Pazullo about the work you are
20 doing?
21 MR. PECK: For Solutia?
22 A. Not that I recall.
23 Q. Have you ever had any sit-down meetings

REGIONAL REPORTING SERVICE, INC.

235

1 with Brandy other than what you have
2 told us about?
3 A. Brandy Ayers?
4 Q. Yes.
5 A. I haven't talked to Brandy Ayers about
6 Solutia at all.
7 Q. Are you aware of any work that
8 Dr. Kimbrough performed for Solutia?

9 A. No, not that I can recall.

10 Q. Have you ever had any conversations with

11 reporters about her work?

12 A. I don't really even know who she is.

13 Q. You have mentioned the assessment that

14 you did in Anniston. Have you ever done

15 any in Decatur or Foley?

16 A. Well, I mentioned the assessment that we

17 started but did not complete.

18 Q. Have you ever done any in Decatur or

19 Foley?

20 A. The assessment that was started in

21 Anniston was meant to be statewide, so

22 we did that very brief initial work and

23 then did no work. The program didn't

REGIONAL REPORTING SERVICE, INC.

236

1 continue, so the answer is we didn't

2 continue in either Decatur or Foley.

3 Q. Have you ever participated in any

4 conversations with ADEM or EPA in

5 connection with your work for Solutia?

6 A. Uh-uh (indicating no).

7 MR. PECK: That was a no?

8 THE WITNESS: No. I'm sorry.
9 (Plaintiffs' Exhibit Number
10 Nine was marked for
11 identification.)
12 Q. Let me show you this article right here
13 that appeared in the Tuesday, March 11,
14 issue of The Anniston Star.
15 A. Yeah. I remember seeing this.
16 Q. Who gave that to you, if you recall?
17 A. We get a copy of The Anniston Star.
18 Q. Did you have anything do with the
19 placement of that article in The Star?
20 A. No.
21 Q. Do you know who did?
22 A. No. It says staff wire reports.
23 Q. Do you have any idea about who did that?

REGIONAL REPORTING SERVICE, INC.

237

1 A. No.
2 Q. Is that your only knowledge about that
3 particular matter, Mr. Bradley?
4 A. The particular matter being the
5 placement of the story or the study
6 itself?

7 Q. The study itself.

8 A. I knew of the study prior to that.

9 Q. How did you acquire your information

10 about the study prior to that?

11 A. I think I read about it in The Wall

12 Street Journal or it was some national

13 publication, I think.

14 Q. Did anybody talk to you about that study

15 from Solutia?

16 A. No.

17 Q. Did you ever have any conversation with

18 Blake Hamilton, Dr. Kaley, any of

19 those --

20 A. I think it has been mentioned.

21 Q. By whom?

22 A. I believe I brought it up once but just

23 in kind of passing, that I had seen that

REGIONAL REPORTING SERVICE, INC.

238

1 in some local or national media here.

2 Q. Local or national media?

3 A. Yeah. I read it here in some

4 publication that I get. I don't

5 remember where. It may have been The

6 Wall Street Journal, may have been The
7 Birmingham News, may have been something
8 else.

9 Q. Did you not have a conversation with
10 Kevin Cahill about an article called
11 Hidden in the Soil that was written by
12 Jonathan Lifland?

13 A. I think I did after the article came
14 out.

15 MR. STEWART: How about marking
16 that.

17 A. They were -- Excuse me.

18 (Plaintiffs' Exhibit Number
19 Ten was marked for
20 identification.)

21 Q. Tell me if you would, Mr. Bradley, how
22 you acquired that article.

23 A. Well, this appears to be a fax from

REGIONAL REPORTING SERVICE, INC.

239

1 Anniston. I think -- Blake Hamilton
2 tries to fax articles to me on a regular
3 basis, and that came from Blake
4 Hamilton.

5 Q. Is it not a fact that you saw that
6 article sometime before --
7 A. I could have. I don't know. When did
8 the article appear?

9 Q. -- or had some knowledge that the
10 article was going to appear before it
11 appeared?

12 MR. PECK: Wait until he finishes
13 his question.

14 Q. Is that not a fact?

15 A. Did I have some knowledge that the
16 article was going to appear --

17 Q. That Jonathan Lifland was going to write
18 the article.

19 A. Jonathan Lifland didn't talk to me about
20 it.

21 Q. Did you not have some kind of
22 conversation with Mr. Cahill about that
23 article?

REGIONAL REPORTING SERVICE, INC.

240

1 A. I could have.

2 Q. And was that not before the article
3 appeared?

4 A. Oh, Kevin Cahill called me. I was en
5 route to somewhere, Montgomery, I
6 believe. Kevin had had an inquiry, I
7 think from Jonathan Lifland and asked
8 that I call -- my office called me in
9 the car. I called him, but he didn't
10 get back to me or if he did we -- The
11 conversation broke up because of cell
12 problems or something. But I do
13 remember that he had gotten a call, and
14 I think by the time we were able to talk
15 on a decent phone he had already
16 responded to it.

17 Q. Didn't Mr. Cahill indicate to you at
18 some point in time that there were some
19 documents that he gave to Mr. Lifland in
20 connection with this article?

21 MR. PECK: Object to the form.

22 A. I don't specifically recall that.

23 Q. All right.

REGIONAL REPORTING SERVICE, INC.

241

1 A. I think the call I got was about this --
2 the inquiry he had had about this

3 article.

4 Q. Well, the inquiry would have been from

5 Mr. Lifland for some information?

6 A. Right. He had had an inquiry from

7 Lifland.

8 Q. And the information was about studies

9 and things y'all were aware of, was it

10 not, Mr. Bradley?

11 MR. PECK: Object to the form.

12 A. I don't know. I don't know what. I

13 just knew he had an inquiry. I tried to

14 get back to Mr. Cahill. By the time I

15 did I think he had already responded.

16 Q. Did he tell you what he had responded?

17 A. No. He didn't go into a lot of detail.

18 I think I was then in the car coming

19 back from Montgomery.

20 Q. Tell me if you would how you happened to

21 have this document.

22 (Plaintiffs' Exhibit Number

23 Eleven was marked for

REGIONAL REPORTING SERVICE, INC.

242

1 identification.)

2 A. I think I got that from the plant. I
3 think Blake Hamilton sent me a copy of
4 it.

5 Q. When in relation to the date of the
6 letter did you get it?

7 A. Oh, goodness. It was sometime after
8 that.

9 Q. Did Mr. Hamilton tell you where he got
10 it?

11 A. I believe that this -- No. It could
12 have -- I mean -- I think, as I recall,
13 the world was copied on this thing.

14 Q. The world was copied on it?

15 A. The Wall Street Journal, The Birmingham
16 News, The Anniston Star, New York Times,
17 EPA Region IV, Shelby, Sessions, Riley,
18 Siegleman, Pryor, Sierra Club --

19 Q. All I asked you, Mr. Bradley, was did he
20 tell you where he got it.

21 A. If he did, I don't remember, but I
22 believe I got it from Blake Hamilton.

23 Q. Did you have any discussions at all with

REGIONAL REPORTING SERVICE, INC.

1 him about that?

2 A. I think I did and --

3 Q. And what was the nature of your

4 discussions about that?

5 A. I think I discussed it at some point

6 with Blake Hamilton and with Alan Faust.

7 Q. What was said, Mr. Bradley, is what I

8 asked you.

9 A. Well, I'm trying to respond to your

10 question.

11 Q. I'm asking you what was said.

12 A. My conversation -- I'm trying to

13 remember -- I believe had to do with

14 determining who David Baker was.

15 Q. What else was said?

16 A. I believe that -- Gosh, I don't recall

17 specifically. We didn't spend a lot of

18 time on it. I think at the time I had a

19 discussion I didn't have a copy of it.

20 I just knew there had been a letter. I

21 believe I was asked if I knew this

22 individual or knew who he was.

23 Q. Knew who David Baker was?

REGIONAL REPORTING SERVICE, INC.

1 A. Yes. And I didn't.

2 Q. Did you ever have any contact with David
3 Baker?

4 A. No.

5 Q. Do you know if any of the people from
6 Solutia, Blake Hamilton or Alan Faust,
7 had any contact with David Baker?

8 A. I don't know.

9 Q. Do you know if any representative who
10 represented Monsanto had any contact
11 with David Baker?

12 A. I don't know.

13 Q. What if anything have you done in
14 responding to this letter that Mr. David
15 Baker wrote to EPA?

16 A. None.

17 Q. What steps do you know that Monsanto has
18 done about that, Mr. Bradley?

19 A. I know that -- since it was sent to EPA,
20 I know that there was some contact made
21 at EPA to be sure that EPA was aware of
22 Monsanto's response.

23 MR. PECK: Solutia?

REGIONAL REPORTING SERVICE, INC.

1 A. Solutia's response.

2 Q. Who made that contact?

3 A. I believe Solutia's Washington

4 representative.

5 Q. Who is that?

6 A. If someone mentioned his name, I could

7 tell you, but I can't think of it. It

8 may come to me in a minute. It is their

9 governmental affairs representative in

10 Washington, I believe.

11 Q. Is it a lobbyist on payroll?

12 A. Yeah, I believe it is. I have never met

13 him. I believe he is an employee of the

14 company, and he represents Solutia in

15 Washington and deals with congressional

16 staffs and regulatory agencies and so

17 forth.

18 Q. Who did he meet with up there if you

19 know?

20 A. I have no idea.

21 Q. Was any contact made by Solutia if you

22 know with the people at EPA at Region

23 IV?

REGIONAL REPORTING SERVICE, INC.

1 A. I don't know that.

2 Q. Did you have any participation in any
3 part of that?

4 A. No.

5 Q. Tell me if you would what participation
6 you had in the Mars Hill settlement.

7 A. Very little.

8 Q. What was that?

9 A. I was asked, when the settlement was
10 finally worked out, to quickly draft a
11 news release setting out the details of
12 the settlement.

13 Q. Is that all you did in connection with
14 that?

15 A. Uh-huh (indicating yes).

16 Q. Did you have any contact --

17 MR. PECK: You have to say yes.

18 A. Yes.

19 Q. Did you ever have any contact with
20 anybody who was a member of Mars Hill
21 Church?

22 A. No.

23 (Plaintiffs' Exhibit Number

1 Twelve was marked for
2 identification.)

3 Q. Let me show you Plaintiffs' Exhibit
4 Twelve and ask you if in fact this is
5 the document that you prepared.

6 A. I prepared a draft, and that was
7 subsequently changed considerably before
8 it was released. This -- Let me just
9 read it. There would be a subsequent
10 and final I think. I helped -- Some of
11 my language is probably in there, but
12 what I originally suggested was changed
13 considerably before it was released.

14 Q. Tell me if you would if you had any
15 contacts with Mr. Mollenkamp about this.

16 A. I think we did fax him the news release,
17 yes.

18 (Plaintiffs' Exhibit Number
19 Thirteen was marked for
20 identification.)

21 Q. And did you -- Let me show you
22 Plaintiffs' Exhibit Thirteen and ask you
23 if that is the article that appeared in

1 The Wall Street Journal.

2 A. Yes, I think it was.

3 Q. Was that as a result of your contact

4 with Mr. Mollenkamp?

5 A. I think it was. He had asked

6 specifically to be advised if the suit

7 had settled.

8 Q. Who had he asked?

9 A. He had asked me for one.

10 Q. So you called him and told him it had

11 been settled?

12 A. Right, and sent him a copy of the news

13 release.

14 Q. Do you know why the article never

15 appeared about the Anniston --

16 contamination around the Anniston plant?

17 A. I have no idea.

18 Q. Did you persuade or talk to

19 Mr. Mollenkamp and ask him not to write

20 that article?

21 A. I never asked a reporter not to write an

22 article.

23 Q. Did you say it would be unwise to write

REGIONAL REPORTING SERVICE, INC.

249

1 it at any point in time?

2 A. I told him, not in so many words, but

3 the gist I believe, several times, that

4 I felt the company had acted in good

5 faith and tried to respond fully and

6 completely to all of his questions and

7 that I think any logical person, after

8 going through all that, would conclude

9 that there wasn't anything there. He

10 was certainly free to make his own

11 decisions.

12 Q. What other efforts have you made to

13 either plant stories in the newspaper or

14 to assist Solutia in getting out its

15 points of view, Mr. Bradley? What

16 other --

17 A. We covered all of them, I believe.

18 Q. Do you know a guy named Bolton who

19 writes for The Birmingham News?

20 A. I do.

21 Q. How well do you know him?

22 A. I just know who he is. We have had some
23 dealings in the past.

REGIONAL REPORTING SERVICE, INC.

250

1 Q. What are those dealings? What have
2 those dealings been?

3 A. I have not contacted him nor has he
4 contacted me on anything to do with
5 Solutia. Occasionally he -- He is very
6 interested in the issue. And he will
7 write an article, and I will send it to
8 various parties.

9 Q. Do you know if anybody ever contacted
10 Mr. Bolton about an article that he
11 wrote most recently in the paper that he
12 writes for in The Birmingham News?

13 A. No, I don't.

14 Q. Do you know if anybody specifically from
15 Solutia, either Mr. Cahill or anybody
16 else, had a sit-down meeting with
17 Mr. Bolton?

18 A. I don't believe that Mr. Cahill has.

19 Q. Has anybody from Solutia had a sit-down
20 meeting with Mr. Bolton?

21 A. Not to my knowledge since I have been
22 working with the company.
23 MR. PECK: If we had had that kind

REGIONAL REPORTING SERVICE, INC.

251

1 of meeting with Mr. Bolton,
2 he would not have written
3 that article, I guarantee you
4 that.
5 A. While I think I can help the company,
6 Mr. Bolton is not one of those reporters
7 I can help the company with.
8 Q. Y'all don't get along with each other?
9 A. Well --
10 Q. While we are on articles, let me show
11 you something that we'll mark
12 Plaintiffs' Exhibit Fourteen, a document
13 that was in your file.
14 (Plaintiffs' Exhibit Number
15 Fourteen was marked for
16 identification.)
17 A. And I really haven't fully responded to
18 your question. I'd like to complete
19 that.

20 Q. Well, let me let you take a look at that
21 first. I want to ask you some questions
22 about it. And I didn't put that
23 together. Plaintiffs' Exhibit Fourteen

REGIONAL REPORTING SERVICE, INC.

252

1 was put together apparently by you, a
2 series of documents that were attached
3 to one another when I got them from you.

4 A. I remember the article.

5 Q. All right. And then it appears that
6 this is an article that talks about a
7 group of church members who have a
8 desire to stay in a church facility, the
9 Mars Hill Church facility after the suit
10 was settled --

11 A. Uh-huh (indicating yes).

12 Q. -- or during the time it was ongoing.
13 And there with was Cassandra Roberts
14 mentioned in the article. This is a fax
15 from you to Kevin Cahill, said, "I had
16 not seen this article when you and I
17 talked yesterday. I'm faxing in case
18 you have not seen it. I will give you a

19 call tomorrow to discuss it." What
20 were, first, your discussions about
21 where y'all had talked about something
22 that apparently was related to this?
23 A. No. I had just I think been talking to

REGIONAL REPORTING SERVICE, INC.

253

1 him about something. I have no idea
2 what.
3 Q. Community affairs?
4 A. Could have been the weather. I have no
5 idea. And I noticed that article after
6 I talked with him. And I faxed it to
7 him and said I didn't mention this when
8 I talked with you -- because part of our
9 responsibility is to keep our clients
10 abreast of things in the media -- and
11 here is it and I will call you to talk
12 about it.
13 Q. Did you call him and talk about it?
14 A. I'm sure I did.
15 Q. What was the substance your
16 conversation?
17 A. The reason that I put that in the memo

18 was to see if he wanted to discuss
19 whether any kind of contact with the
20 reporter as a follow-up might be
21 necessary. And I believe that the
22 decision was no, that that wasn't
23 necessary.

REGIONAL REPORTING SERVICE, INC.

254

1 Q. Did you ever talk -- Could I see that,
2 please, sir? Did you ever talk to
3 Ms. Roberts at all --
4 A. No.
5 Q. -- Cassandra Roberts? Do you know if
6 anyone from Monsanto or Solutia ever
7 talked to Ms. Roberts?
8 A. I have no idea.
9 Q. Are you familiar with the fact that that
10 group of people that was involved there
11 are still meeting in the church?
12 A. No, I wasn't.
13 Q. Did you ever have anything to do with
14 relations with that part of the
15 community?
16 A. No.

17 Q. Any gifts that were made to them?
18 A. No.
19 Q. Do you have any idea as to what rent
20 they are paying? That is Solutia's
21 property now. Do you have any idea what
22 they are paying?
23 A. No.

REGIONAL REPORTING SERVICE, INC.

255

1 Q. Let me ask you if you would to recall
2 the time that you appeared at a hearing
3 in -- or at least -- Well, it was a
4 hearing. Did you make an -- not make an
5 appearance at a hearing or status
6 conference proceeding in connection with
7 litigation?
8 A. I did.
9 Q. Do you remember when that was,
10 Mr. Bradley? Was that time --
11 A. I think it was the first part of March.
12 Q. Of '98?
13 A. '99.
14 Q. Who had asked you to be there?
15 A. Kevin Cahill.

16 Q. And was that a part of your job for
17 community affairs, to be there at that
18 hearing?

19 A. Kevin was supposed to be there to just
20 observe, and he had plane difficulties
21 and couldn't make his connection.

22 Q. So you showed up?

23 A. He asked me to go in his stead and I

REGIONAL REPORTING SERVICE, INC.

256

1 did.

2 Q. And you appeared, did you not, also at
3 the day of the trial, the trial date in
4 February?

5 MR. PECK: That was it. That's
6 the only time you have made
7 an appearance.

8 Q. Is that the only time you made an
9 appearance?

10 A. Right. That was the first day
11 supposedly and jury selection.

12 Q. Okay. You appeared at that proceeding?

13 A. I did.

14 Q. Do you have any recollection of

15 discussions you had about the
16 continuation of that matter with
17 Mr. Cahill after it was continued?
18 A. No, because I left, I think, before -- I
19 didn't really know exactly what
20 happened. I left before the whole
21 matter was finally concluded.
22 Q. Did you have any participation in a
23 reactive statement to the mandamus

REGIONAL REPORTING SERVICE, INC.

257

1 petition being filed with the Alabama
2 Supreme Court?
3 A. I was aware of it.
4 Q. How were you aware of that?
5 A. I was sent a copy of it.
6 Q. Would that have been sometime in March?
7 A. I'd have to look at it, you know. It is
8 probably shortly after or on whatever
9 the date is.
10 Q. And is that in your documents?
11 A. I'd have to look at it.
12 MR. PECK: To be honest with you,
13 I don't recall seeing that in

14 there.

15 Q. So you got a copy of the draft media
16 statement for reactive use to the
17 mandamus petition?

18 MR. PECK: I thought you were
19 talking about the actual
20 petition. I'm sorry.

21 Q. Take a look at that, please, and find
22 that for me fairly quickly. I'm trying
23 to get toward the end of this.

REGIONAL REPORTING SERVICE, INC.

258

1 MR. PECK: Do you have it? I
2 mean, I don't know what you
3 are talking about.

4 MR. STEWART: I don't know either.
5 Out of all of these
6 documents, I have something
7 that talks about a draft
8 statement --

9 A. Occasionally I would be asked to give
10 some input into drafting, helping draft
11 statements that might be used if there
12 was a media inquiry.

13 MR. PECK: If there is anything on
14 this subject, it would have
15 been on the privilege log.

16 MR. STEWART: What now?

17 MR. PECK: If there is anything at
18 all on this subject, I think
19 it would --

20 MR. STEWART: He is talking about
21 a draft media statement that
22 is referred to in this
23 document right here that he

REGIONAL REPORTING SERVICE, INC.

259

1 has indicated he helped
2 provide a draft. And I don't
3 recall that being on --
4 MR. PECK: I don't think any such
5 document exists in his
6 documents. I mean, I have
7 not seen that in his
8 documents. You are right,
9 that is not on the privilege
10 log. I have been through his
11 documents more than once.

12 MR. STEWART: He indicated to me
13 he received a copy of it, in
14 response to the question. We
15 can have her read it back.
16 MR. PECK: I know what he said,
17 Donald, but it is not in
18 these documents. I didn't
19 pull it out.
20 MR. STEWART: I didn't either.
21 That's what I'm asking about.
22 MR. PECK: Let him think about it.
23 I don't know the answer to

REGIONAL REPORTING SERVICE, INC.

260

1 that.
2 MR. STEWART: I think he has
3 thought about it. I think he
4 said it was sent to him.
5 MR. PECK: You and I, we need to
6 talk about this.
7 MR. STEWART: Note for the record
8 that they are having a
9 consultation.
10 MR. PECK: When Mr. Bradley said

11 that he had seen a document
12 dealing with that issue, he
13 was referring to a document
14 that was is on the privilege
15 log. Therefore --

16 MR. STEWART: Mark that.
17 (Plaintiffs' Exhibit Number
18 Fifteen was marked for
19 identification.)

20 Q. This is Plaintiffs' Exhibit Fifteen.

21 Mr. Bradley, this indicates that Kevin
22 Cahill, I assume -- We have gone through
23 that before, but it is from Kevin

REGIONAL REPORTING SERVICE, INC.

261

1 Cahill; is that correct?

2 A. Correct.

3 Q. And this letter does refer to "I have
4 attached a draft media statement for
5 reactive use regarding the mandamus
6 petition with the Alabama Supreme Court.
7 Bistline has reviewed the draft." You
8 received a copy of this Plaintiffs'
9 Exhibit Fifteen, did you not? I mean

10 that is in your documents, and you got
11 it?
12 A. Yes, I guess. Did this come from his
13 documents?
14 Q. Yes.
15 A. I mean I don't have any other documents.
16 Q. Okay.
17 A. Then I got it.
18 Q. And you got a copy of the draft media
19 statement?
20 A. (Witness nods head affirmatively.)
21 MR. PECK: You can tell him that.
22 But that is as far as you are
23 going to go with it. It is

REGIONAL REPORTING SERVICE, INC.

262

1 confidential.
2 A. Yes.
3 Q. And you indicated in response to my
4 questions and in connection with --
5 MR. PECK: If there was any
6 waiver, Donald, it was
7 inadvertent.
8 THE WITNESS: If I had realized

9 that was a protected
10 document, I certainly would
11 not have responded.
12 MR. PECK: If there was a waiver
13 here, it was completely
14 inadvertent. The document is
15 on the privilege log and has
16 been ruled upon by the judge.
17 MR. STEWART: All I'm trying to
18 find out is which one of
19 those documents --
20 MR. PECK: The is the 3-1-99
21 document.
22 MR. STEWART: All right.
23 Q. Tell me if you would, Mr. Bradley, other

REGIONAL REPORTING SERVICE, INC.

263

1 than that particular matter -- Well,
2 strike that. Let me go to something
3 else. We'll leave it at that.
4 Were you told -- You keep
5 indicating this. Were you told by
6 Solutia about what themes they wanted --
7 I mean, you talked to us about the

8 programs you suggested. Were you told
9 about what themes they wanted to follow
10 in this community relations program that
11 you were involved in?

12 A. No, not specifically, and not really
13 generally. I think they -- Again, the
14 purpose of identifying those three major
15 areas that I referred to earlier was to
16 identify what possible programs were out
17 there. And I think Solutia was open to
18 consideration of any of them that they
19 felt might be worthwhile.

20 (Plaintiffs' Exhibit Number
21 Sixteen was marked for
22 identification.)

23 Q. Was environmental stewardship ever a

REGIONAL REPORTING SERVICE, INC.

264

1 part of those things?

2 A. Well, as I've said, the environment,
3 environmental programs were one of the
4 areas considered.

5 Q. Have y'all ever made any contributions
6 or ever suggested that Solutia make any

7 contributions to any environmental --
8 A. We did in the very early stages of
9 gathering that information suggest there
10 were environmental groups that Solutia
11 might consider sponsoring, being
12 associated with, that were good groups.
13 Q. What were those groups that you
14 suggested?
15 A. I'd have to look at the material. There
16 are a number of groups out there.
17 Legacy is one of them.
18 Q. It is in the material?
19 A. Yes.
20 Q. Did they make a contribution to Legacy?
21 A. I don't think so.
22 Q. Did they make a contribution to any
23 Birmingham environmental group?

REGIONAL REPORTING SERVICE, INC.

265

1 A. Not to my knowledge. Now, they may have
2 -- of course this is not in response --
3 Q. Not through you?
4 A. No.
5 Q. Have you ever participated in any

6 lobbying activities before you got

7 involved for Monsanto?

8 A. No.

9 MR. PECK: Solutia.

10 Q. Have you ever participated in any for

11 Solutia?

12 A. No.

13 Q. Have you ever had any contact with the

14 Environmental Guidance Group, which is

15 the lobbying group out of Montgomery run

16 by Dave Robertson?

17 A. I have talked to Dave occasionally, not

18 very much.

19 Q. Is that since you have been involved

20 with this --

21 A. Yes. David is their Montgomery

22 lobbyist, and we have talked a few

23 times, not very much.

REGIONAL REPORTING SERVICE, INC.

266

1 Q. When did you first talk to Dave?

2 MR. PECK: Are you saying for

3 Solutia?

4 THE WITNESS: For Solutia.

5 A. Probably shortly after I was retained by
6 Solutia, just to let him know because he
7 is an old friend of mine.

8 Q. And what was the substance of that
9 conversation, just to let him know you
10 were representing them?

11 A. Right.

12 Q. And what was your next conversation with
13 him about, if you recall?

14 A. We really had very few. I probably
15 should have done a better job in staying
16 in touch with him, but I just didn't.
17 It would be -- Months would go by before
18 we would have conversation.

19 Q. What was your -- the subject of your
20 next conversation, Mr. Bradley?

21 A. I do not remember other than I kind of
22 volunteered to Kevin that I would try to
23 keep David up to date, and he said no,

REGIONAL REPORTING SERVICE, INC.

267

1 he would handle that.

2 Q. So is it your testimony here today that
3 you have not had any subsequent

4 conversations --

5 A. I have had a few with David, but I don't
6 have any regularly scheduled
7 conversations.

8 Q. I guess what I'm asking is what you
9 talked about with him since you told him
10 first you were working with Solutia?

11 A. Basically issues in the legislative
12 process that -- or I was just curious to
13 know what issues generally he was
14 interested in.

15 Q. What did he tell you he was interested
16 in?

17 A. I -- Nothing comes to mind. He was not
18 working on anything particularly. I
19 don't recall.

20 Q. You don't recall any issues that you
21 talked about?

22 A. No. As I said, we have had very few
23 conversations about Solutia.

REGIONAL REPORTING SERVICE, INC.

268

1 Q. Did you ever discuss tort reform with
2 him?

3 A. Could have.

4 Q. Did you ever discuss tort reform with
5 him when you were wearing the hat that
6 you now wear as a result of working with
7 Solutia?

8 A. I didn't call David Robertson to talk
9 about tort reform.

10 Q. Did you ever talk with anybody else
11 about tort reform in connection with
12 your work for Solutia?

13 A. No, not really.

14 Q. Were you involved in the tort reform
15 issue?

16 A. I have been, yes.

17 Q. Were you involved in the latest
18 legislation that passed that was signed
19 by the governor?

20 A. No. I was asked to be but couldn't be
21 in Montgomery. I had a conflict and
22 just -- I talked to them by telephone,
23 the Civil Justice Reform Committee we

REGIONAL REPORTING SERVICE, INC.

269

1 work with.

2 Q. Is that one of your clients?
3 A. It is.
4 Q. And did you ever make any suggestions
5 about capping punitive damages?
6 A. No.
7 Q. Did you ever make any suggestions on
8 behalf of Monsanto or Solutia about
9 capping of punitive damages?
10 A. No.
11 Q. Do you know if Mr. Robertson did?
12 A. I have no idea.
13 Q. While we are talking about lobbying --
14 Well, before we get to that, I will ask
15 you, did you ever attend any community
16 group meetings in connection with the PR
17 work you were performing for them?
18 A. Community group meetings in Anniston?
19 Q. Yes.
20 A. No.
21 Q. Anywhere else?
22 A. On behalf of Solutia?
23 Q. Right.

REGIONAL REPORTING SERVICE, INC.

1 A. I don't think so.

2 Q. Did you ever assist in drafting letters

3 for any of the Monsanto facilities or

4 Solutia facilities? Did you ever assist

5 in drafting any letter?

6 A. For Solutia?

7 Q. Right.

8 MR. PECK: To anybody?

9 Q. For any of the facilities in connection

10 with anything.

11 A. Letters?

12 Q. Right.

13 A. Like for plant managers?

14 Q. Plant managers or any employee.

15 A. I don't think so.

16 Q. Did you ever --

17 A. Not to my recollection.

18 Q. Not to your recollection?

19 A. I don't think I have.

20 Q. Did you ever assist in putting together

21 any letters to the editor for Solutia,

22 particularly the Anniston plant?

23 A. No, I don't believe so.

REGIONAL REPORTING SERVICE, INC.

1 Q. Have you ever seen any letters to the
2 editor that someone else assisted or
3 drafted and you just gave your advice or
4 ideas and suggestions?

5 A. No. We haven't done that in regard to
6 Solutia or in Anniston.

7 Q. Your company has not?

8 A. No.

9 Q. Do you know if Mr. Cahill has ever
10 talked to you about that, Mr. Bradley?

11 A. Not that I recall.

12 Q. Have you ever had any contacts with
13 governmental officials in Anniston in
14 connection with Solutia or the work that
15 you have done?

16 A. Other than at the press conference
17 announcing the Education Connection
18 program, Senator Marsh attended and
19 Barbara Boyd attended. And then later
20 on that day Dave Thomas was present when
21 we made several stops at the media in
22 Talladega, Daily Home and Pell City and
23 the St. Clair News Aegis.

REGIONAL REPORTING SERVICE, INC.

1 Q. Did you ever talk to anybody from the
2 county?

3 A. No.

4 Q. Did you ever suggest that Solutia's
5 folks contact county leaders?

6 A. Uh-uh (indicating no).

7 MR. PECK: Is that a no?

8 THE WITNESS: No, sorry.

9 Q. Or city leaders?

10 A. No.

11 Q. Let me ask you, if you would, to take a
12 look at Plaintiffs' Exhibit Sixteen. I
13 want to ask you about a series of
14 philanthropic activities. Have you been
15 involved -- Excuse me.

16 A. We did prepare a list of local officials
17 around the three facilities and sent
18 those to each plant, and they were going
19 to get in touch with educators and
20 legislators as a courtesy to let them
21 know about the program in those three
22 areas.

23 Q. The education program?

REGIONAL REPORTING SERVICE, INC.

1 A. Right. We got those lists together for
2 three plants. We didn't write or draft
3 any letters.

4 Q. Let me show you -- Did y'all suggest
5 other or participate in getting
6 publicity for other philanthropic
7 activities at the Anniston plant?

8 A. We did assist Blake Hamilton. Really
9 Blake's request was for assistance in
10 helping Habitat announce a program there
11 in Anniston. Habitat as I recall was
12 announcing a pretty significant program
13 to replace low income housing over a
14 period of time, and they couldn't get
15 the media to pay attention to them. And
16 Blake asked if we would help the local
17 Habitat person there, and we did that.

18 Q. What did you do in connection with that?

19 A. We called local media, Birmingham -- I
20 say local, two Birmingham newspapers.

21 Q. Who did you call at the newspapers?

22 A. I called at The Birmingham News Glen
23 Stevens, I believe, who is an editor

1 there and subsequently talked with Al
2 Walton, who I believe did go over and
3 cover that story. At the Post Herald
4 they were not able to send anybody. I
5 think I sent them a news release or sent
6 them an advisory. I don't think we had
7 a release. I sent them some material, I
8 think. And then we called three
9 television stations, I think two of
10 which had local offices in -- I mean, in
11 Anniston and asked them if they would
12 cover the events.

13 Q. And did they?

14 A. I think all three did. I believe they
15 did.

16 Q. Did the Habitat story deal with a
17 Habitat house that Monsanto or Solutia
18 had paid for?

19 A. It was a house. I don't know if they
20 provided funds for it. I know that
21 Solutia was going to work on the house
22 or at least one of the houses.

23 Q. Are you aware that they contributed some

1 thirty-five thousand dollars --

2 A. I knew there was a contribution, but I
3 don't know if it involved that
4 particular house that was the focus of
5 that announcement or not. I knew it was
6 one of the houses in the program.

7 Q. Did you have any idea as to whether or
8 not this was the first time they had
9 participated in Habitat in Anniston?

10 A. It may not have been. I know that they
11 are participating in Habitat and are
12 going to participate in Habitat in the
13 future, because they think it is a good
14 program. There was -- There was another
15 meeting that I was supposed to attend in
16 regard to the Habitat program that I
17 couldn't get to Anniston for. I know
18 they are involved in that.

19 Q. What was that?

20 A. I think it was a visit by the national
21 Habitat founder.

22 Q. And Mr. Hamilton asked you to put the

23 story together on Habitat?

REGIONAL REPORTING SERVICE, INC.

276

1 A. He asked me to help the local Habitat
2 director because he was having trouble
3 getting the media interested in it.
4 Blake was a friend of his and thought it
5 was a good program and asked me to help.

6 Q. Is it your understanding from
7 Mr. Hamilton that Habitat had trouble
8 getting the local media interested in
9 the --

10 A. The media generally, yeah.

11 Q. What other philanthropic activities have
12 you been involved in?

13 A. For Solutia?

14 Q. Yes.

15 A. I think that would probably be it
16 primarily.

17 Q. Did you have anything to do with the
18 Next Start proposal or contribution?

19 A. That name sounds familiar, but I would
20 have to see.

21 MR. STEWART: Let me just mark

22 this Plaintiffs' Exhibit

23 Seventeen.

REGIONAL REPORTING SERVICE, INC.

277

1 (Plaintiffs' Exhibit Number

2 Seventeen was marked for

3 identification.)

4 Q. Let me ask you if you remember seeing

5 this article and if you were involved in

6 that.

7 A. Yes, I remember that.

8 Q. And what involvement did you have in it?

9 A. Very little. This was an initiative

10 that Blake Hamilton was primarily

11 involved in locally.

12 Q. How is it, if you understand, that there

13 was a decision made to make the

14 contribution to Next Start?

15 A. I'm sorry? What --

16 Q. How is it, if you know, that there was a

17 decision made by Solutia to make a

18 contribution to Next Start?

19 A. I don't know. I think that it came

20 locally to Blake as the plant manager,

21 and I think Blake was very supportive of
22 it because it is a good program.
23 Q. Do you know who is chairman of the Next

REGIONAL REPORTING SERVICE, INC.

278

1 Start?
2 A. No, I don't.
3 Q. Have you ever been told who the chairman
4 of that group is?
5 A. No.
6 MR. STEWART: Let me mark this
7 Plaintiffs' Exhibit Eighteen.
8 (Plaintiffs' Exhibit Number
9 Eighteen was marked for
10 identification.)
11 Q. Let me show you Plaintiffs' Exhibit
12 Eighteen and ask you if you got that.
13 A. Yes, I did.
14 Q. Would you look down in the middle of the
15 page?
16 A. Okay.
17 Q. And tell me if that refreshes your
18 recollection.
19 A. I was just sent a copy of it.

20 Q. Okay. Could you read for me who the

21 person is --

22 A. You mean who is identified as chairman?

23 Q. Yes.

REGIONAL REPORTING SERVICE, INC.

279

1 A. Brandt Ayers.

2 Q. Is he not the editor and publisher of

3 the paper?

4 A. He is.

5 (Plaintiffs' Exhibits Numbers

6 Nineteen and Twenty were

7 marked for identification.)

8 Q. Let me show you Nineteen and Twenty

9 while we are at it and ask you to tell

10 me if you had anything to do with those

11 two contributions and newspaper

12 articles.

13 A. No. I knew about them.

14 Q. How did you know about them?

15 A. Through keeping up with Blake Hamilton

16 and just knew they were supportive of

17 them.

18 Q. And did you have any -- provide any help

19 or assistance in getting those two
20 articles in the paper?
21 A. No, I didn't.
22 Q. Any ideas for why that was done?
23 A. I assume the paper thought that was a

REGIONAL REPORTING SERVICE, INC.

280

1 worthwhile story or photograph --
2 Q. No. I mean why the contributions were
3 made.
4 A. I think that Blake Hamilton felt it was
5 a worthwhile request and Solutia agreed
6 and made the contribution through Blake.
7 Q. Do you have any idea historically what
8 the budget was for that particular
9 facility --
10 A. I have no idea.
11 Q. -- before you came aboard on this
12 project for Solutia?
13 A. No.
14 (Plaintiffs' Exhibit Number
15 Twenty-one was marked for
16 identification.)
17 Q. Let me show you Plaintiffs' Exhibit

18 Twenty-one and ask you if that is not
19 something you have previously referred
20 to in connection with responses to my
21 request?

22 A. Yes.

23 Q. And is that --

REGIONAL REPORTING SERVICE, INC.

281

1 A. One of them.

2 Q. Is that one of the documents that you
3 presented along with --

4 A. Uh-huh (indicating yes).

5 Q. Having to do with the community affairs
6 program?

7 A. Yes.

8 Q. And that is Plaintiffs' Exhibit -- Can
9 you give me the exhibit number just for
10 the record?

11 A. Twenty-one.

12 Q. That is all I have on that one. Let me
13 show you Plaintiffs' Exhibit Sixteen.
14 It is a little out of order. I'll ask
15 you if you know who put that document
16 together and how that deal was arrived

17 at.
18 A. Who put the document together, this
19 document?
20 Q. Yes. I mean, you received the document.
21 I guess what I have reference to is the
22 program itself.
23 A. Uh-huh (indicating yes). My

REGIONAL REPORTING SERVICE, INC.

282

1 understanding is that Barbara Boyd had
2 suggested to Blake that one area of --
3 one area of community need was an
4 elderly and infant day care center in
5 that immediate community there.
6 Q. What immediate community are you talking
7 about?
8 A. The area surrounding the plant
9 generally. And she felt that was
10 something that would be worthy of
11 Solutia support that was a community
12 need, and subsequently I was asked if I
13 knew of any knowledgeable individuals
14 who might conduct a feasibility study.
15 I contacted the dean of the business

16 school at UAB, explained the project,
17 and asked if he could recommend any of
18 his faculty who might have expertise
19 generally in that area, and he
20 recommended these three who are on that
21 letter, Dr. Richardson, Jack Duncan, and
22 Peter Ginter. I talked to Woody
23 Richardson and asked if they would be

REGIONAL REPORTING SERVICE, INC.

283

1 interested in conducting a feasibility
2 study, and he said they would and sent a
3 proposal to Blake Hamilton and sent me a
4 copy.

5 Q. Let me ask you. There was an attachment
6 to this document that we will mark
7 Sixteen-A.

8 (Plaintiffs' Exhibit Number
9 Sixteen-A was marked for
10 identification.)

11 Q. It refers to a gentleman named Michael
12 Pierle. I will let you take a look at
13 that. Do you know Mr. Pierle?

14 A. I have heard the name, but I don't know

15 him.
16 Q. Did you have any conversations with him
17 about this program?
18 A. No, I don't think so.
19 Q. Did you have any conversations with him
20 about -- or with anyone at Monsanto?
21 A. About this program --
22 Q. Or Solutia, rather.
23 A. About this program?

REGIONAL REPORTING SERVICE, INC.

284

1 Q. Yes.
2 A. Yes.
3 Q. Who did you talk to about that program?
4 A. Kevin Cahill, talked with Blake
5 obviously.
6 Q. Blake Hamilton?
7 A. Blake Hamilton.
8 Q. What was the nature your discussions?
9 A. My part of it was mainly to help
10 identify some individuals who could do
11 the feasibility study.
12 Q. Somebody who could do the feasibility
13 study?

14 A. Right. It was more to help -- the
15 request that I had was that we have had
16 this request from a community leader, we
17 need to make a response, but we don't
18 know much about this, what can we do.
19 Our suggestion was a feasibility study
20 to help them identify it.
21 Q. There was a statement made that there
22 would be some twenty-three thousand
23 dollars. Was that money spent?

REGIONAL REPORTING SERVICE, INC.

285

1 A. I do not know. After this point I have
2 really not been a part of this.
3 Q. Was that for the feasibility study?
4 A. I'm sorry?
5 Q. Was that for the feasibility study, to
6 make a determination as to whether or
7 not that facility should be built?
8 A. I assume so. That is what it says in
9 the document.
10 Q. When you had the conversation with
11 Mr. Blake Hamilton and Kevin Cahill were
12 y'all talking with each other about it?

13 A. Yes.

14 Q. Was Mr. Pierle ever in the loop, if you
15 recall, now that we have talked about
16 those conversations?

17 A. I never had a conversation with him
18 about it.

19 Q. Did you discuss the document that is
20 attached to -- That was attached to it,
21 and I assume it was attached for a
22 reason.

23 A. I don't know why it would be attached to

REGIONAL REPORTING SERVICE, INC.

286

1 it.

2 Q. It was attached. I mean, we did not
3 attach it, Mr. Bradley. It was attached
4 as it came from you.

5 A. And I'm telling you I don't know why
6 other than just -- it may have just been
7 stapled as part of a packet.

8 Q. It had reference, does it not, in memo
9 to this particular -- Is it all right,
10 if I approach, Mr. Peck, since we have
11 only one of these?

12 MR. PECK: I'm looking for it.
13 What is the date?
14 Q. This has a date of 1-21-99. It
15 discusses that particular proposal, does
16 it not?
17 A. I think so, yes.
18 Q. Mr. Pierle's documents, this Sixteen-A
19 does. Did y'all discuss with a David
20 Shepperly -- Who is David Shepperly? Do
21 you know?
22 A. I have no idea.
23 Q. Did y'all discuss any of these ideas in

REGIONAL REPORTING SERVICE, INC.

287

1 your discussions or in your suggestions
2 that he has on this memo on Sixteen-A,
3 you and Mr. Cahill and Mr. --
4 A. Did we discuss --
5 Q. Michael Pierle's memo.
6 A. No.
7 Q. Do you have any idea what he means by
8 the idea does not hit head on the issue
9 of fear in the community?
10 A. This is his document. I would be

11 speculating. I think Mr. Peck reminded
12 me this is the way it was in my file.
13 And probably I got a copy of it and
14 attached it because it had to do with
15 this issue.

16 Q. You got a copy of the document from
17 Mr. Pierle because it had to do with the
18 issue --

19 A. I got a copy from somebody. I have no
20 idea whether it came from him or not.

21 Q. So March 2nd, '99, was when you got this
22 article from -- or this document --

23 A. Well, actually --

REGIONAL REPORTING SERVICE, INC.

288

1 Q. -- Jack Duncan?

2 A. Well, actually, now that I look at this,
3 the -- This has a 1-21-99 date.

4 Q. I understand it does. And for some
5 reason when we got it from you it was
6 attached to this. I'm just asking you
7 if you all had any conversations about
8 that memo. Did you ever have any
9 conversations further with Barbara Boyd

10 or anybody about the geriatric facility?

11 A. No. I know I have not, no.

12 Q. Where if you understand was it going to

13 be located?

14 A. I told you, my knowledge is very limited

15 about it. It is basically this. I have

16 not been involved in it at all from that

17 point. I have no idea where the study

18 stands.

19 Q. Now, do you have, based on your work as

20 a community relations person with this

21 particular plant or facility, any idea

22 of what part of the community this was

23 going to be located in?

REGIONAL REPORTING SERVICE, INC.

289

1 A. No, I don't have any idea.

2 Q. No idea?

3 A. I really don't.

4 Q. Knowing what you know about Barbara Boyd

5 where would that legislative district be

6 in relation to the plant? Would it be

7 around the plant?

8 A. It is fairly close. I'd have to look at

9 a map, but her district is
10 geographically -- some geographic
11 proximity.
12 Q. The idea doesn't hit head on the issue
13 of fear in the community, that is the
14 first line of this thing by Michael
15 Pierle. When he says fear in the
16 community, did that have anything to do
17 with the litigation or the PCB issue?

18 MR. PECK: Object to the form of
19 the question.

20 A. It is not my document. I don't know.

21 Q. Do you think it might have based on what
22 your knowledge of that situation was up
23 there, Mr. Bradley?

REGIONAL REPORTING SERVICE, INC.

290

1 MR. PECK: Object to the form.

2 A. I couldn't speculate on that.

3 Q. Could it be that they were building this
4 geriatric facility up there to allay
5 fears that people had about PCBs in the
6 community, just sort of a little crumb
7 they throw out there, Mr. Bradley?

8 MR. PECK: Object to the form.

9 A. I have no idea.

10 MR. PECK: Let me make my

11 objection. You may need to

12 repeat your answer.

13 A. I wouldn't speculate on that.

14 Q. Have you ever had --

15 A. This is not my document.

16 Q. I understand. Have you ever prepared,

17 Mr. Bradley, any speeches other than the

18 one you have talked about?

19 A. No.

20 Q. Ever arranged any tours of the facility?

21 A. Other than for Mr. Mollenkamp.

22 Q. Y'all arranged a tour for him to see

23 that facility?

REGIONAL REPORTING SERVICE, INC.

291

1 MR. PECK: Object to the form.

2 Q. When did you do that?

3 A. When he was there.

4 Q. When he was there?

5 A. Right.

6 Q. What parts of the facility did he see?

7 A. He took a tour of the general area
8 around the -- he was inside the
9 facility, asked some questions about the
10 operation of the facility, and then
11 generally took a tour around the
12 facility.

13 Q. Mr. Bradley, did he look at the
14 remediation that was done around the
15 facility?

16 A. He looked at -- As I said, he took a
17 ride around the facility. He asked to
18 do that, and we responded.

19 Q. Who all went along on that ride with
20 him, you or --

21 A. Mr. Faust, myself, and that may have
22 been it.

23 Q. What was the --

REGIONAL REPORTING SERVICE, INC.

292

1 MR. PECK: I was there.

2 Q. What was the substance of the
3 conversations, and did y'all talk about
4 the lawsuit or anything said about that?

5 A. I wasn't conducting the tour.

6 Q. Were you in a car with him?
7 A. I was.
8 Q. And you don't remember anything that was
9 said in that?
10 A. I don't remember specifically a lot.
11 Q. Tell me what you do remember.
12 A. Well, again, this was in response to his
13 request to see the immediate area. And
14 he was taken on a tour --
15 Q. I'm asking you what was discussed. I
16 know what you did.
17 A. And I'm trying to answer the question.
18 Q. Well, I want you to answer the question,
19 if you would, because I'm getting
20 towards the tail end. And I'm not being
21 argumentative with you, but if you keep
22 telling me -- I understand y'all were in
23 a car and riding around and looking.

REGIONAL REPORTING SERVICE, INC.

293

1 Tell me what you said.
2 A. Well, it is my way of answering. I'm
3 sorry. But that is the only way I have.
4 It also helps me remember.

5 Q. Okay. I'm sorry. If that helps you
6 remember.
7 A. Alan generally discussed the remediation
8 program and what had gone on the past
9 several years because Carrick had asked
10 about the program. And some questions
11 were answered I think at the meeting in
12 the conference room about the program,
13 but most of those were very technical in
14 nature. And I think that the ride was
15 just a general fifty cent tour of the
16 area surrounding the plant.

17 Q. What did Alan say about the remediation
18 program?

19 A. I don't recall specifics.

20 Q. What generally did he say about the
21 remediation program?

22 A. That some property had been purchased,
23 that the remediation effort had gone

REGIONAL REPORTING SERVICE, INC.

294

1 forth, they had enclosed a drainage
2 area. We saw the mouth -- not the
3 mouth. Well, I guess it would be -- but

4 a large concrete-like area where
5 drainage had been safely diverted.
6 That's about all I remember.
7 Q. Did Mr. Peck chime in? Did he offer any
8 suggestions or any ideas?
9 A. I don't recall.
10 Q. You don't remember anything he said
11 during the --
12 A. I don't think that he -- I think that
13 Mr. Faust did most of the talking
14 because it was his facility and his car
15 and his tour.
16 Q. Was there any statement made about the
17 extent of the work that had been done?
18 MR. PECK: Object to the form.
19 A. Oh, gee, you know, I've told you about
20 all I remember. It was just a --
21 Q. Did he say anything -- Mr. Faust say
22 anything about what was to be done in
23 the future?

REGIONAL REPORTING SERVICE, INC.

295

1 MR. PECK: Object to the form.
2 A. I don't remember.

3 Q. Was litigation mentioned during that
4 ride?

5 MR. PECK: Object to the form.

6 A. No. I think the bulk of it was really
7 just on the remediation efforts
8 generally.

9 Q. Was any statement made by Mr. Faust or
10 Mr. Peck about what was going to be done
11 about property owners whose properties
12 were adjacent to the property?

13 A. Not that I recall.

14 Q. Any test results mentioned?

15 MR. PECK: Object to the form.

16 A. If there were, I don't recall.

17 Q. You mentioned the safety, a safe manner.
18 What would Mr. Faust say about how that
19 water got there in a safe manner? What
20 did he say about that?

21 MR. PECK: Object to the form,
22 mischaracterizes his
23 testimony.

REGIONAL REPORTING SERVICE, INC.

1 A. My recollection is that the remediation

2 efforts included containing underground
3 basically runoff and that it was
4 collected and routed in this particular
5 way.

6 Q. Runoff from --

7 A. From rain.

8 Q. That hit on the landfill, is that what
9 you were talking about, what he was
10 talking about?

11 MR. PECK: Object to the form.

12 A. I think it was generally all over.

13 Q. Wanted to contain rain that hit all over
14 on the property --

15 A. Look, I'm getting into speculation. I
16 don't recall specifically. I just
17 don't. I'm sorry.

18 Q. Did you ever have any discussion with a
19 gentleman named Jack Mayausky at any
20 point in time?

21 A. Not that I recall.

22 Q. Did you ever have any contact or
23 conversation with Rose Livingston, a

REGIONAL REPORTING SERVICE, INC.

1 reporter for The Birmingham News, TV

2 40 --

3 A. No.

4 Q. -- anybody at TV 40?

5 A. The only conversation I have had with

6 broadcast reporters has been to try to

7 encourage them to cover the Habitat

8 announcement and to encourage them to

9 cover the announcement of the education

10 program.

11 Q. What about Channel 13, is that the same

12 thing?

13 A. Same thing on both occasions. I was not

14 employed to generate media publicity.

15 Q. You were just employed to come up with

16 this --

17 A. Basically the community relations

18 program. I have been asked on those two

19 occasions to help, sometimes in

20 anticipation of media inquiries, but my

21 task was not to go out and generate

22 publicity for Solutia.

23 Q. Have you ever assisted or been involved

REGIONAL REPORTING SERVICE, INC.

1 in helping to put together either -- not
2 press releases but papers for contacts
3 of representative's aides in Washington
4 or know anything about it?

5 A. Representatives --

6 Q. An aide in Washington.

7 A. No, I haven't been involved in that.

8 Q. Are you familiar with anything that has
9 been done in that area?

10 A. No. I'm not specifically.

11 Q. You have already mentioned that you have
12 never contacted ADEM or EPA for Solutia?

13 A. Uh-huh (indicating yes).

14 MR. PECK: Is that --

15 A. No, no.

16 Q. To your knowledge has Mr. Robertson ever
17 done that? Have you ever had any
18 discussion --

19 A. I don't have any knowledge specifically
20 of what he has done for Solutia.

21 Q. Are you familiar with the Alabama Power
22 Company deal where the land swap was
23 made between the power company?

REGIONAL REPORTING SERVICE, INC.

1 A. Vaguely.

2 Q. How did you become familiar with that?

3 A. That was just mentioned to me early on

4 in kind of historical reference.

5 Q. By whom?

6 A. By Solutia people. I think Alan Faust

7 pointed that out to me. I may have

8 asked because I think the substation is

9 located fairly near there.

10 Q. What did Mr. Faust say to you about

11 that, if you recall?

12 A. I think that there had been property

13 that had once belonged to Monsanto where

14 a substation had subsequently -- that

15 the power company had acquired that

16 property. And I may be wrong on some of

17 these facts, and I haven't talked to the

18 company about this and --

19 Q. When you say the company, you mean the

20 Alabama Power Company?

21 A. Yes. That the company -- the power

22 company acquired that property. The

23 substation was located there.

REGIONAL REPORTING SERVICE, INC.

1 Subsequently there was some
2 environmental concerns associated with
3 the property and that I believe that
4 property had been transferred back to
5 Solutia.

6 Q. Mr. Bradley, you say you never have
7 talked to the power company. Have you
8 ever talked to anybody at all since
9 you've worked for Solutia about the
10 kinds of things you are doing for them
11 since you had this conversation with the
12 division manager over there about first
13 taking this job?

14 MR. PECK: Object to the form.

15 A. You mean have I talked to anybody?

16 Q. With the power company about the work
17 you are doing for Solutia.

18 A. I will see one of them or one of the
19 power company officials occasionally,
20 and they will ask me if I'm still doing
21 work for Solutia, and I will say yes.

22 That's about it.

23 Q. Have you ever jointly worked on anything

1 with the power company and Solutia in
2 connection with the work you are doing
3 for Solutia?

4 A. No, I have not.

5 Q. Are you aware of any work that is going
6 on in that regard or have any knowledge
7 about it?

8 A. No. I would not discuss one client's
9 issues with another client --

10 Q. I'm not asking you that.

11 A. -- unless I was asked to do so.

12 Q. I'm asking you if you are aware of any
13 work that is going on in conjunction
14 with those two companies.

15 A. With the power company and Solutia?

16 Q. In relation to the PCB problem at the
17 Anniston plant.

18 MR. PECK: Object to the form.

19 A. I'm not aware of anything now.

20 Q. Was there something that went on at some
21 point in time during the time you have
22 been working for them?

23 A. Other than the substation property,

1 that's the only thing I'm aware of.

2 Q. What if you know was the agreement about

3 that swap? Do you have any idea?

4 A. I don't. I think -- I'm not sure of

5 that.

6 MR. PECK: Object to the form.

7 A. I'm sorry.

8 Q. You can say in your best judgment,

9 Mr. --

10 MR. PECK: Let me object to the

11 form of the question. That

12 has been the subject of a lot

13 of depositions of people who

14 have firsthand knowledge.

15 There is no reason to belabor

16 this man who doesn't know

17 anything about it.

18 MR. STEWART: That's a speaking

19 objection, Mr. Peck.

20 MR. PECK: It absolutely is

21 because it is seven ten, and

22 we are talking about

REGIONAL REPORTING SERVICE, INC.

303

1 know.

2 (Plaintiffs' Exhibit Number

3 Twenty-two was marked for

4 identification.)

5 Q. Let me ask you if you would to take a

6 look at Plaintiffs' Exhibit Twenty-two.

7 And I will ask you to tell me if you

8 know anything at all about this. That

9 was in your file.

10 A. No. I just know it appeared in the

11 paper.

12 Q. Who sent it to you?

13 A. The Solutia plant.

14 Q. Blake Hamilton?

15 A. Or his secretary or someone. It has his

16 fax number on it. It is just routine to

17 send it.

18 Q. Let me show you Plaintiffs' Exhibit --

19 Have you ever had any discussion with

20 Mr. Hamilton about that?

21 A. If your question is did I have anything

22 to do with this, the answer is no.

23 Q. Did you have any discussions with

REGIONAL REPORTING SERVICE, INC.

304

1 Mr. Hamilton about it?

2 A. He may have mentioned it to me.

3 Q. What did he say to you about it?

4 A. I believe he noted that someone had

5 written a favorable letter.

6 Q. Mr. Hamilton did?

7 A. Yeah.

8 Q. Did he tell you if he knew Mr. Coker?

9 A. I don't recall that he did.

10 (Plaintiffs' Exhibit Number

11 Twenty-three was marked for

12 identification.)

13 Q. Let me show you Plaintiffs' Exhibit

14 Twenty-three and ask you who you got

15 that from.

16 A. Again, from the facility.

17 Q. Who would you think you might have

18 gotten it from from the facility?

19 A. Well, it would come, as I have said,

20 from Blake Hamilton's office. I asked

21 Blake and Alan Faust to send me
22 articles. Although we get The Anniston
23 Star, we get it a day or two late.

REGIONAL REPORTING SERVICE, INC.

305

1 Q. And did y'all have any discussions about
2 Plaintiffs' Exhibit Twenty-three?

3 A. Not that I recall. We may have. Hell,
4 I don't remember. You know, I get all
5 kinds of clippings. I don't know. I
6 don't.

7 Q. Mr. Bradley, I'm sorry. I'm trying to
8 get through with your deposition. All
9 this is just stuff you have handed to
10 me. I'm asking you about it because
11 I've got you here in the deposition.
12 This is of course our only time to get
13 you, and I want to make sure that we
14 cover everything.

15 MR. PECK: Do you want a short
16 break?

17 THE WITNESS: No, I'm all right.

18 MR. STEWART: If you need a break,
19 we will be glad to take one.

20 I am almost near the end.
21 MR. PECK: Well, try to refrain
22 from using four letter words
23 on the record.

REGIONAL REPORTING SERVICE, INC.

306

1 THE WITNESS: I'm fine.
2 MR. STEWART: Well, you got real
3 upset when I used one.
4 MR. PECK: I did. I admit it.
5 But I will say for the
6 record, he said it in a very
7 low tone. It was just a
8 matter of speaking.
9 THE WITNESS: Did I say something?
10 MR. PECK: You said hell.
11 (Plaintiffs' Exhibit Number
12 Twenty-four was marked for
13 identification.)
14 Q. Let me show you Plaintiffs' Exhibit
15 Twenty-four. That is a bill that was
16 put in in 1998 as I understand it by a
17 fellow named Knight. Is that the Knight
18 fellow you said you had that

19 relationship with?

20 A. Yes.

21 Q. Didn't you lobby for that legislation,

22 for the passage of that legislation?

23 A. I did.

REGIONAL REPORTING SERVICE, INC.

307

1 Q. On behalf of whom?

2 A. Not on behalf of Solutia.

3 Q. All right. Was it involved in

4 connection with your work for another

5 client?

6 A. Another client.

7 Q. Can you say who that client was?

8 A. I would rather not.

9 Q. Well, I don't know of any privilege that

10 would cover that. This is a public

11 matter.

12 A. I just hate to discuss client's

13 business.

14 Q. Was it for the power company that you

15 did it?

16 A. No, it was not.

17 MR. PECK: Let me talk to him a

18 minute.

19 (Discussion held off record.)

20 A. And your question was about this?

21 Specifically what was your question?

22 Q. Who was the client?

23 MR. PECK: Who was your client?

REGIONAL REPORTING SERVICE, INC.

308

1 A. The client was 3M.

2 Q. 3M Corporation?

3 A. Yes.

4 Q. Mr. Bradley, what does this bill

5 basically do? I have read the synopsis,

6 but what does this basically do? Does

7 it protect or make confidential --

8 A. Right. It would make -- It would allow

9 the results of self-environmental audits

10 to be held confidential by the entity

11 conducting the audit.

12 Q. Did the legislation pass?

13 A. No, it didn't.

14 Q. Why was this legislation sought? What

15 was the basic thrust behind it?

16 A. Well, because those in support of the

17 legislation -- and the Alabama Chemical
18 Association was also very much in favor
19 of it -- feel that it is in the
20 company's and the public's best interest
21 to evaluate internally. If a company
22 wants to evaluate its environmental
23 issues or other issues internally and

REGIONAL REPORTING SERVICE, INC.

309

1 assess what it needs to do to improve,
2 then they feel strongly that if they
3 initiate that by themselves, then that
4 documentation needs to be kept
5 confidential, that it shouldn't be
6 subject to disclosure. And that
7 legislation would provide that
8 protection.

9 Q. You say the Alabama Chemical
10 Association. You are talking about an
11 organization, a trade organization of
12 chemical companies that are located in
13 Alabama?

14 A. That's correct.

15 Q. And Monsanto is a part of that?

16 A. Yes.

17 Q. Do you remember receiving any help from

18 Monsanto lobbyists in pushing for this

19 legislation?

20 A. No.

21 Q. Who were -- Who worked or who lobbies

22 for the trade association?

23 A. For Alabama Chemical Association?

REGIONAL REPORTING SERVICE, INC.

310

1 Q. Yes.

2 A. Mark Fowler.

3 Q. Did Mr. Fowler assist you in

4 buttonholing people and getting votes

5 for this legislation?

6 A. I'm sure he was up there.

7 Q. Assisting you?

8 A. I was one of a number of people who were

9 supportive of it.

10 Q. Who else besides Mr. Fowler and you?

11 What other lobbyists --

12 A. The Business Council was very much in

13 support of it.

14 Q. Who else? And who, by the way,

15 represented the Business Council at the
16 time of this legislation?
17 A. I think Jim Gray is their chief
18 lobbyist.
19 Q. Who else was working with you on this
20 legislation?
21 A. I don't recall. Frankly I didn't spend
22 a huge amount of time on it. The
23 legislation faced a great deal of

REGIONAL REPORTING SERVICE, INC.

311

1 opposition. And while I did talk to
2 some legislators on it, it was not one
3 of the high priority items that I had.
4 Q. Did you have a conversation at some
5 point in time during the course of this
6 legislation's progress with a gentleman
7 named Jerome Robbins?
8 A. Jerome Robbins?
9 Q. Right.
10 A. I don't know. Who is that?
11 Q. Do you remember having a conversation
12 with someone who was not from this
13 state?

14 A. Uh-huh, I do.

15 Q. That was there lobbying for an

16 environmental justice group?

17 A. I do remember having a conversation with

18 him, yes. I do remember having a

19 conversation with somebody who was not

20 from this state.

21 Q. Can you remember what you said to him

22 about his presence here and his work?

23 He was opposed to the bill, was he not?

REGIONAL REPORTING SERVICE, INC.

312

1 A. He was opposed to that bill.

2 Q. Do you remember what you said to him?

3 A. The individual I had a conversation with

4 was a member of the Franklin Resources

5 Group.

6 Q. Who was that?

7 A. His name was Jerome, but I don't think

8 it was Robbins.

9 Q. Franklin Resources Group?

10 A. Uh-huh (indicating yes).

11 Q. He was working in opposition to the

12 legislation?

13 A. That's correct.

14 Q. And you had a conversation with him

15 about the legislation?

16 A. I did.

17 Q. Was it a heated discussion, Mr. --

18 A. It was on my part, yes.

19 Q. What exactly made you mad?

20 A. Because I didn't have any idea that he

21 was in town. I didn't have any idea

22 that he'd had an interest in that

23 particular piece of legislation, and it

REGIONAL REPORTING SERVICE, INC.

313

1 was personally embarrassing to me that a

2 member of the Franklin Resources Group

3 would suddenly show up unknown to me in

4 opposition to legislation I was in favor

5 of.

6 Q. Where did he come from? Did he come

7 from the State of Alabama or out of

8 state?

9 A. No. He was located out of state.

10 Q. Where?

11 A. I think Louisiana.

12 Q. So you've got people from the Franklin
13 Resources Group who are located in
14 Louisiana?
15 A. He is, yes, or at least he was then. I
16 haven't had any contact with him since
17 then.
18 Q. Which member of the Franklin Resources
19 Group did Mr. Robbins work for?
20 A. I don't know that that is his name.
21 Q. Well, the gentleman you talked with.
22 A. I had very little contact with him.
23 Q. His first name was Jerome?

REGIONAL REPORTING SERVICE, INC.

314

1 A. Uh-huh (indicating yes). He told me
2 that he was working for an environmental
3 group in Alabama, and I don't -- It was
4 a group that was -- who then had Pat
5 Byington as their head, Alabama
6 Environmental Council I think.
7 Q. Alabama Environmental Council?
8 A. I think. And that he had been retained
9 by them to work in opposition to the
10 bill. And I generally told him he was

11 certainly free to do that but that I
12 didn't appreciate him showing up in my
13 territory unannounced, that if I were
14 going to go to Louisiana, I would do him
15 the courtesy of letting him know I would
16 be there, that if we were going to have
17 a working relationship, that wasn't a
18 good way to go about it.

19 Q. Franklin Resources Group, I understood,
20 was composed of you and Mr. Flippo and
21 Johnny Crawford.

22 A. A number of people.

23 Q. But were there also people out of

REGIONAL REPORTING SERVICE, INC.

315

1 Louisiana that were involved?

2 A. Well, as I said, he was the only one I
3 know of in Louisiana. He was
4 headquartered there.

5 Q. Was he a partner in your LLC?

6 A. He was a member of the Franklin
7 Resources Group, yes.

8 Q. So there are people from out of state
9 who participate?

10 A. Uh-huh (indicating yes).

11 Q. How many states are covered by it? Is

12 it southeastern United States?

13 A. Alabama is the only state -- The

14 Franklin Resources Group is located, for

15 lack of a better term, in Alabama, but

16 it has members who live or are

17 headquartered in other states who may on

18 occasion do work in Alabama or in other

19 states.

20 Q. How many other states are involved?

21 A. I think there is one representative from

22 Virginia; you mentioned Mr. Flippo, who

23 is in Washington, D.C.; Jerome, whatever

REGIONAL REPORTING SERVICE, INC.

316

1 his last name, is from Louisiana;

2 myself. I think the remainder are in

3 Alabama.

4 Q. Mr. Crawford?

5 A. Uh-huh (indicating yes).

6 Q. You, anybody else that you can think of

7 as you sit here?

8 A. Did I mention Charlie Rowe?

9 Q. Yes.

10 A. There is one other lady who is a public
11 relations consultant. I will think of
12 her name in a minute, but I can't
13 remember it right now.

14 (Plaintiffs' Exhibit Number
15 Twenty-five was marked for
16 identification.)

17 Q. Let me show you Plaintiffs' Exhibit
18 Twenty-five. Who did you get that from?

19 A. I don't know.

20 Q. Did you have any discussions with
21 anybody from Monsanto --

22 A. Was that in the material I gave you?

23 Q. Yes.

REGIONAL REPORTING SERVICE, INC.

317

1 A. It was probably -- Was it in that large
2 clippings file? It says 1997, so it
3 probably would have been -- I would have
4 got it as a part of that large clippings
5 file.

6 Q. So you never had any discussion with
7 anybody about that?

8 A. Uh-uh (indicating no).
9 MR. PECK: Is that no?
10 THE WITNESS: No.
11 (Plaintiffs' Exhibit Number
12 Twenty-six was marked for
13 identification.)
14 Q. Let me show you Plaintiffs' Exhibit
15 Twenty-six.
16 A. I can generally tell you if it has a
17 1997 or even almost up into '98 --
18 Q. That's all right. Let me just show you
19 Plaintiffs' Exhibit Twenty-six.
20 A. Okay.
21 Q. Did you ever have any discussion with
22 anybody from Solutia about that
23 particular article?

REGIONAL REPORTING SERVICE, INC.

318

1 A. Not that I recall.
2 Q. Tell me, Mr. Bradley, if you can what
3 percentage of your work in connection
4 with this project you took on for
5 Solutia were done in Foley or Decatur as
6 opposed to Anniston?

7 A. As I believe I have testified to this
8 point, we had just started our work.
9 The Solutia education program certainly
10 includes Foley and Decatur as well as
11 Anniston.
12 Q. Would you say that you have been to the
13 plants in those areas as many times as
14 you have the plant in Anniston?
15 A. No, no, I haven't.
16 Q. Would it be fair to say you focused more
17 of your attention on the Anniston plant
18 as opposed to the other plants?
19 A. I have.
20 Q. Would you say that has been true from
21 the time you began to work for Solutia?
22 A. Well, also, as I believe I have said, we
23 intend this to be a statewide program.

REGIONAL REPORTING SERVICE, INC.

319

1 It is a statewide program. We started
2 our community assessment there, would
3 have continued that, stopped at
4 Anniston, did not extend it to the other
5 two, but that is fully our intention.

6 Q. Have you had contact on the same basis
7 with the plant managers at Foley and
8 Decatur like you have with Mr. Hamilton?
9 You seem to have had a pretty good
10 relationship with Mr. Hamilton. You
11 have worked with him on the project
12 there?

13 A. We had a pretty good bit of discussion
14 with both plant managers in Foley and
15 Decatur about the grow-out of the
16 education program.

17 Q. Other than that?

18 A. Other than that it has been limited.

19 Q. Have you had contact with the firm in
20 North Carolina and with Lightfoot
21 Franklin or did you have about the
22 February trial? Did you have contact
23 with them before that trial date?

REGIONAL REPORTING SERVICE, INC.

320

1 A. The February trial --

2 Q. The February trial date.

3 MR. PECK: You mean did he have
4 contact with us before we

5 became involved in defending
6 this deposition?

7 MR. STEWART: Yes.

8 Q. Did you have contact with the lawyers
9 from Lightfoot Franklin --

10 MR. PECK: Other than what he has
11 already testified about?

12 Q. I'm just asking if you had contact with
13 them before that February trial date. I
14 think it was set in February.

15 A. Any contact at all with any of them?

16 Q. Yes.

17 A. About anything to do with Solutia or
18 just generally?

19 Q. I'm asking you if you had contact with
20 them about that February trial date,
21 prior to that February trial date.

22 MR. PECK: I don't understand the
23 question.

REGIONAL REPORTING SERVICE, INC.

321

1 A. I don't either. I didn't know there was
2 a February trial date.

3 Q. There was a date on which you went to

4 court --

5 MR. PECK: I think he is talking
6 about when you came to the
7 call docket.

8 A. I thought it was March. I believe that
9 was early March.

10 MR. PECK: I think you are
11 probably right, that it was
12 February. But --

13 THE WITNESS: Was it? Yeah, I
14 guess it was February.

15 Q. Did you have contact with Lightfoot
16 Franklin or the North Carolina firm of
17 lawyers before you went to that?

18 MR. PECK: Now, you mean as part
19 of his decision to go to that
20 or just in a general context?

21 MR. STEWART: In a general
22 context.

23 MR. PECK: You can answer that

REGIONAL REPORTING SERVICE, INC.

322

1 question.

2 A. Yeah, I guess I did.

3 Q. Did you have discussions --

4 A. With the Lightfoot Franklin firm.

5 Q. Who at the firm?

6 A. Prior to the -- that would be when I

7 first started working for Solutia on

8 this project. I called Buddy Cox and

9 asked if he would help me with a

10 briefing on issues involving the plant.

11 Q. And did he give you that briefing?

12 A. He did.

13 Q. And when did that occur, in early '98?

14 A. I would say, yeah, March or so of '98,

15 March, April, right in that time frame.

16 Q. What did he tell you?

17 MR. PECK: If he disclosed any

18 trial strategy issues or

19 anything like that, do not

20 get into that. If he is

21 asking the subject of your

22 discussions, don't disclose

23 that.

REGIONAL REPORTING SERVICE, INC.

323

1 A. I think I have characterized --

2 MR. PECK: If it is just factual
3 information, then --
4 Q. What factual information did he give
5 you?
6 A. Oh, my request was to help me with a
7 historical understanding of the plant.
8 Really I asked him --
9 Q. What did he tell you?
10 A. He helped me understand the plant, what
11 phases it had gone through, I guess,
12 what it produced, just general
13 information.
14 Q. Did he talk to you about the PCB issue?
15 He did, didn't he?
16 A. To some degree.
17 Q. What did he say about that again?
18 MR. PECK: Again, I instruct you,
19 if it --
20 MR. STEWART: Now, wait just a
21 minute, Mr. Peck.
22 MR. PECK: I can instruct my
23 witness on the privilege

REGIONAL REPORTING SERVICE, INC.

1 issue. You can take it up if
2 you want to. We will go back
3 over and see Judge Ott on
4 this. I'm going to instruct
5 my witness on this privilege
6 issue right now.

7 If you are about to
8 disclose something that
9 involves our trial strategy,
10 that is privileged. If not,
11 you can tell him.

12 MR. STEWART: Now, Mr. Peck, what
13 you are talking about at this
14 point in time --

15 MR. PECK: You can disagree with
16 me, but that is my
17 instruction.

18 MR. STEWART: I understand that.
19 But what you are talking
20 about is something that was
21 disclosed by an attorney to a
22 fellow who was not -- at that
23 point in time he was not

REGIONAL REPORTING SERVICE, INC.

1 represented by you based on
2 all of the testimony that --
3 MR. PECK: It doesn't matter. It
4 doesn't matter. That is my
5 decision. You can argue with
6 me all you want.
7 MR. STEWART: You mean it does
8 matter that you talked to
9 somebody else --
10 MR. PECK: I can do it to an
11 expert witness. If I
12 disclose my trial strategy to
13 him, you can't find out about
14 it. That is absolutely
15 privileged. I have a lot of
16 cases on that issue. And
17 we're not going to discuss it
18 here. We can go to Judge Ott
19 again if that is what you
20 want to do.
21 MR. STEWART: We may do that,
22 Mr. Peck.
23 MR. PECK: I don't think he has

REGIONAL REPORTING SERVICE, INC.

1 any of that. I don't think
2 he knows that. But I'm doing
3 this out of an abundance of
4 caution. And I'm tired of
5 dealing with these issues
6 with you. I really am. It
7 is now seven thirty at night.
8 I haven't been home to my
9 house before nine o'clock yet
10 this week, and I'd really
11 like to tonight.

12 MR. STEWART: Okay. I'll do my
13 best.

14 MR. PECK: It doesn't appear you
15 are doing your best.

16 Q. What factual matter did he tell you,
17 Mr. Bradley, about the PCB issue?

18 A. I think -- You know, I have tried to
19 respond to that. I don't remember
20 specifically. Again, it was just a
21 general discussion of the whole
22 historical time frame, just kind of an
23 idea of the extent to which the company

REGIONAL REPORTING SERVICE, INC.

1 had gone in its remediation effort. It
2 was nothing more than to help me get a
3 frame of reference.

4 Q. Well, did he tell you anything,
5 Mr. Bradley, about when Monsanto first
6 discovered they had a problem with PCBs
7 at the Anniston plant?

8 A. I don't think there was any specific
9 discussion of that.

10 Q. Did he tell you anything at all about
11 the litigation that was filed against
12 Monsanto by the other people?

13 MR. PECK: You have to tell me
14 what the answer to that
15 question is before you tell
16 him.

17 (Discussion held off record.)

18 MR. PECK: Answer the question.

19 A. I don't recall anything other than just
20 generally that there were these legal
21 issues out there and that there were
22 trial dates, that it was uncertain
23 whether those would --

1 MR. PECK: Wait a minute. Wait a
2 minute. That is a lot more
3 than you told me outside. We
4 have to talk again.

5 THE WITNESS: I'm sorry.

6 MR. STEWART: Let the record
7 reflect that he is consulting
8 with the guy.

9 (Discussion held off record.)

10 MR. PECK: All right. You can
11 keep answering.

12 A. I was just going to say that I think I
13 asked him if there were any trial dates.
14 He said that there were but that in
15 these matters sometimes those are pushed
16 or changed and not to look at that as
17 anything firm. And that was about it.

18 Q. Did he tell you anything about factually
19 what the company knew and when they knew
20 it about the dangers --

21 A. No.

22 Q. -- of PCBs?

23 A. No, not they I recall.

1 Q. Did he tell you anything about the
2 levels of PCBs that had been found on
3 people's property around there and what
4 the company's position was with regard
5 to that?

6 MR. PECK: You can answer as to
7 what he told you about
8 levels, but you are not going
9 to answer about what the
10 company's position was if he
11 did.

12 MR. STEWART: Mr. Peck, I'm going
13 the ask her to mark this. We
14 will take this up with Judge
15 Ott.

16 MR. PECK: Do you know anything?

17 THE WITNESS: No.

18 MR. PECK: He doesn't know
19 anything, Donald. This is
20 why it is so irritating and
21 just pointless. It is just
22 wasting time.

REGIONAL REPORTING SERVICE, INC.

330

1 your concern, Mr. Peck.

2 MR. PECK: No, you don't

3 understand my concern. My

4 concerns are sheer time and

5 just waste of it.

6 MR. STEWART: It not a waste of

7 time.

8 MR. PECK: It is a waste of time.

9 You are not entitled to know

10 about our trial strategy,

11 Donald. I know you want to

12 know. I know you keep asking

13 about it. It is not your

14 right. It is absolutely

15 privileged. I don't think

16 this witness knows anything

17 about it due to his

18 conversation with Buddy Cox,

19 but I have a right to try to

20 protect it. And that is all

21 I'm trying to do.

22 Let's take a break
23 because I'm too irritated to

REGIONAL REPORTING SERVICE, INC.

331

1 even go on right now.

2 (A break was taken.)

3 Q. Mr. Bradley, you have had a number of
4 conversations, since we got into these
5 discussions about what Mr. Cox told you,
6 with Mr. Peck. And I would ask you if
7 in fact he has instructed you not to say
8 anything to me about what Mr. Cox told
9 you when you have been out of the room.

10 MR. PECK: That is absolutely
11 privileged, Donald. You
12 can't ask him that.

13 MR. STEWART: Well, Mr. Peck --

14 Q. What did he tell you? I just want to
15 know everything he told you.

16 MR. PECK: Who, Cox or me?

17 MR. STEWART: I'm talking -- I'm
18 not talking about, Mr. Peck,
19 you. I'm talking about
20 Mr. Cox on the occasion we

21 have talked about.
22 Obviously, Mr. Peck, at that
23 time he was not your client,

REGIONAL REPORTING SERVICE, INC.

332

1 and he was certainly, based
2 on all the conversations we
3 have had with him over these
4 last days, doing anything
5 other than working on public
6 relations. The fact you have
7 talked to him about that, I
8 would submit to you,
9 constitutes a waiver and does
10 not give you the right to
11 claim that those are
12 confidential kinds of things
13 that I can't get to.
14 MR. PECK: First of all, let me
15 state my position for the
16 record. It absolutely is.
17 If that conversation had
18 occurred and we had discussed
19 issues of trial tactics with

20 him, it would absolutely be
21 privileged. He a contract
22 consultant of Solutia. And
23 if we chose to disclose to

REGIONAL REPORTING SERVICE, INC.

333

1 him trial strategy issues it
2 would absolutely be
3 privileged.
4 As a practical matter,
5 I will let him answer a
6 question without deeming it
7 to be a waiver, because I
8 don't want to have to go have
9 another fight with Judge Ott
10 over something this witness
11 doesn't know. He doesn't
12 know anything. He doesn't
13 know anything about trial
14 strategy issues.
15 So I'm going to let him
16 answer the question, but I
17 don't want you to later argue
18 that I waived my position on

19 that. Is that fair? What
20 I'm trying to do is avoid me
21 having to go spend another
22 two days briefing some issue
23 to Judge Ott that is

REGIONAL REPORTING SERVICE, INC.

334

1 pointless because this
2 witness --
3 MR. STEWART: All I want him to
4 do, Mr. Peck, is to tell me
5 what Mr. Cox told him, and I
6 don't want all these
7 interruptions that we have
8 had.

9 MR. PECK: I'm sorry. The
10 interruptions were required
11 by the need to protect the
12 privilege. And I'm going to
13 let him answer the question
14 because I don't think he
15 knows anything. I don't want
16 you to think he is shielding
17 anything. And we don't need

18 to have a fight about
19 something that is pointless.
20 MR. STEWART: Lower your voice,
21 Mr. Peck. All we are talking
22 about is something --
23 MR. PECK: I'm sorry. You have

REGIONAL REPORTING SERVICE, INC.

335

1 ruined my sleep for days now.
2 I'm just running out of
3 steam. I had to work all
4 weekend. I didn't get but,
5 you know, five hours of sleep
6 the last three or four
7 nights. I'm just impatient.
8 I'm sorry. I apologize.
9 MR. STEWART: All of us have those
10 days, and I have too. I'm
11 doing the best I can to try
12 to ask him what he told him.
13 MR. PECK: I'm going to let him
14 answer that question because
15 I don't want to have a
16 privilege fight over

17 something that doesn't exist.
18 Go ahead.
19 A. After all of that, my answer is I do not
20 remember all of the specifics about what
21 he told me. I remember a general
22 discussion about the remediation effort
23 and the geographic area that that

REGIONAL REPORTING SERVICE, INC.

336

1 encompassed, that it was a considerable
2 expense to the company. That's really
3 about it. I mean, there was some
4 discussion too of the history of the
5 plant and when it was started and what
6 it produced and so forth, which I don't
7 remember much about either. I didn't
8 take any notes, and it was just a
9 starting point for me to -- You know, I
10 was going to talk to and did talk to a
11 number of people. It was just very
12 general.
13 Q. When you say you were going to talk, you
14 are talking about talking to a number of
15 people associated with Monsanto or

16 Solutia at that time?
17 A. Yes.
18 Q. Who were the other people that you
19 talked to?
20 A. As I said, I went to the plant.
21 Q. But you have previously talked about who
22 you talked to, Mr. Hamilton, Mr. Faust?
23 A. Right, right.

REGIONAL REPORTING SERVICE, INC.

337

1 Q. Was the same kind of subject the subject
2 matter of those discussions? Did you
3 talk about PCBs during those discussions
4 in a similar manner to the way you
5 talked to Mr. --
6 A. Look, I didn't go and ask Buddy Cox to
7 tell me about PCBs. I didn't go to
8 Blake Hamilton and Alan Faust and say
9 tell me about PCBs. I went to learn all
10 I could about Solutia.
11 Q. Did you know of anything other that
12 Mr. Cox was doing for Monsanto or
13 Solutia at that time other than him
14 being engaged in this lawsuit?

15 A. I knew he was involved in that. But I
16 also know that lawyers have to learn all
17 they can about their client. And it was
18 simply that I knew that would be a good
19 place to start. I didn't go to talk
20 about the PCB issue necessarily.
21 Q. All right. Other than what you have
22 already told us that he generally told
23 you, can you remember anything else

REGIONAL REPORTING SERVICE, INC.

338

1 about that conversation with Mr. Cox,
2 particularly about PCBs?
3 A. I remember that he tried to get in touch
4 with me before I came because he was on
5 a real short -- We had set the meeting,
6 and then I was out somewhere, and we
7 really had a short period of time. And
8 I remember we just really rushed through
9 a lot of stuff. I don't remember much
10 more than that.
11 Q. How long did the meeting last?
12 A. An hour.
13 Q. Did you look at any documents?

14 A. I looked at some maps.
15 Q. Of the Anniston plant?
16 A. Right.
17 Q. Did you look at maps of areas outside of
18 the Anniston plant?
19 A. I don't recall.
20 Q. What else did you look at?
21 A. That's really all I recall.
22 Q. And that's again what you recall him
23 saying to you at that time?

REGIONAL REPORTING SERVICE, INC.

339

1 A. Basically, yeah.
2 Q. Did he have any document that he handed
3 to you or that he gave to you that you
4 have in your file?
5 A. No. Again, whatever I have that I
6 retained up to the point I got the first
7 document request, I have retained, and
8 you got it or it is on that privilege
9 list.
10 Q. Have you prepared any press releases for
11 these other facilities about
12 contributions they have made to local

13 entities like Habitat?

14 A. I haven't to -- No. The answer to your

15 question is no. And I haven't prepared

16 anything on civic activities for Solutia

17 other than -- And I didn't prepare much

18 on Habitat. That was just to help them

19 turn out the meeting.

20 Q. But you have not done any at these other

21 facilities?

22 A. No.

23 Q. Do you plan to continue to work with

REGIONAL REPORTING SERVICE, INC.

340

1 Solutia in this community affairs

2 program?

3 A. I hope so.

4 Q. Have y'all picked or talked about any

5 specific project that you are going to

6 be doing in the future with the Solutia

7 plant in Anniston?

8 A. Well, again the program is statewide.

9 The education program is a multi-year

10 program, so that will continue.

11 Q. I'm talking about something other than

12 what you have already talked about.
13 A. There may be others. That's to be
14 determined in the future.
15 Q. Who would be determining that in the
16 Anniston facility?
17 A. Who would be determining that for
18 Anniston?
19 Q. Yes.
20 A. Well, I think the plant manager would
21 have a large say in that.
22 Q. Have you talked to anybody or -- What
23 I'm asking is are there any specific

REGIONAL REPORTING SERVICE, INC.

341

1 projects in mind at this time,
2 Mr. Bradley, that y'all have discussed
3 and that are sort of in the thinking
4 stages?
5 A. No, not other than what I have discussed
6 with you.
7 Q. Any other expenditures of money planned
8 there?
9 A. Not other than in support of that
10 program.

11 Q. Education program?

12 A. Uh-huh (indicating yes).

13 MR. PECK: Is that a yes?

14 THE WITNESS: Yes.

15 Q. Have you been asked to provide any other

16 media assistance in connection with the

17 upcoming -- I don't want to know what

18 you are going to do, but have you been

19 asked to provide any media assistance in

20 connection with the upcoming trial?

21 MR. PECK: I think I know the

22 answer to that question is

23 no. So I'm going to let him

REGIONAL REPORTING SERVICE, INC.

342

1 answer. If it were yes, I

2 would object. So he can

3 answer.

4 A. The answer is no.

5 MR. STEWART: I believe that's all

6 I have.

7

8

9 (AND FURTHER DEPONENT SAITH NOT.)

10
11
12
13
14
15
16
17
18
19
20
21
22
23

REGIONAL REPORTING SERVICE, INC.

343

1 I do hereby certify that the witness
2 whose attached deposition was taken before me
3 was by me first duly cautioned and sworn to
4 tell nothing but the truth in the cause
5 aforesaid; that the testimony contained herein
6 was by me reduced to writing in the presence
7 of said witnesses by means of stenography and
8 afterwards transcribed by means of computer

9 aided transcription. The foregoing is a true
10 and accurate transcript of the whole of the
11 testimony given by said witness, as aforesaid.

12 I do further certify that I am not
13 connected by blood or marriage with any of the
14 parties or their attorneys or agents and that
15 I am not an employee of any of them, nor
16 interested in the matter of controversy.

17 IN WITNESS WHEREOF, I have hereunto set
18 my hand and affixed my notarial seal at
19 Gadsden, Alabama, County of Etowah, this 30th
20 day of June 1999.

21 _____
22 Deborah Salers Garrett
23 Certified Shorthand Reporter
Registered Professional Reporter
Notary Public, Alabama-at-Large
My Commission expires: 3-7-2001

REGIONAL REPORTING SERVICE, INC.